

2001-2002 NAPA COUNTY GRAND JURORS



Photo: Ariana Connell

Joseph G. Peatman, Napa, Foreperson
Victor J. Connell, Napa, Foreperson Pro Tempore*
John Winkelhaus, Napa, Secretary*
Gary Garaventa, Napa, Sergeant-at-Arms
Ann M. Allen, Napa
Anthony R. Arnold, Napa
Michael C. Champion, Napa
Rachael Frank-Clark, Napa
Jacque Flannery, St. Helena
Janet Francis, Napa
Thomas Gill, Napa
Ellis Hixson, Napa
Michael D. LaForge, Napa
Delbert Miller, Napa
Harold Morrison, St. Helena
Robert S. Navone, Oakville
Bernhold Rankenburg, Napa
Ross Shoop, Napa
Lulu Wong, Napa

***Members who have served two years on the Grand Jury**

June 10, 2002

The Honorable W. Scott Snowden
Presiding Judge
Napa County Superior Court
825 Brown Street
Napa, California 94559

Dear Judge Snowden:

The 2001 -2002 Napa County Grand Jury has completed its work and submits to you herewith its Report in compliance with California Penal Code, Section 933.

The eleven reports are the result of a year's hard work by the Grand Jury Committees and the Grand Jury as a whole. They took their responsibilities very seriously and never lost their prospective or their sense of humor. We all learned a lot about local government and came away with a great appreciation for the individuals who are elected to office, or appointed or employed by local government.

The Grand Jury commends:

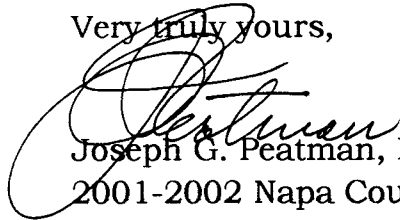
- The Napa County Agricultural Commissioner
- The staff of the Napa County Flood Control and Water Conservation District
- The Napa County Planning Director
- The steering committee of the 2001 Napa City Housing Element
- The members of the Continuum of Care

In each instance those commended performed professionally, with great skill and concern for the people of Napa County.

Of particular note is the commendation by the Grand Jury of the 250 volunteer fire fighters of the Napa County Fire Department. I commend to you Grand Jurors Vic Connell, the Foreperson Pro Tempore and John Winkelhaus, the Secretary, both of whom performed extraordinary services in their capacities and both of whom were holdovers from the 2000-2001 Grand Jury.

It has been an honor and a privilege to work with this very fine Grand Jury and Judge Raymond Guadagni and County Counsel Robert Westmeyer.

Very truly yours,

A handwritten signature in cursive script, appearing to read "J. Peatman", written over the printed name.

Joseph G. Peatman, Foreperson
2001-2002 Napa County Grand Jury

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ACKNOWLEDGMENTS

**The 2001-2002 Napa County Grand Jury would like to acknowledge
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Robert Westmeyer, Napa County Counsel

Georgene Larsen, Assistant Court Executive Officer

Jay Hull, Napa County Chief Administrative Officer

Pat Grisham, Secretary, Napa County Administrator's Office

Napa County Grand Jurors Association

California Grand Jurors Association

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Grand Jury Photograph by Ariana Connell*

SUMMARY AND OVERVIEW

The 2001 – 2002 Napa Grand Jury appointed fourteen committees. The fourteen committees issued eleven reports. The committees on the Napa County Jail/Juvenile Hall, Response and Complaint committees elected, with approval from the full Grand Jury, not to make reports. Complaints were looked into by the Complaint committee and, if that committee found it appropriate, a committee was appointed to look into the subject matter of the complaint, or the complaint was referred to an existing committee. There were 23 complaints looked into by the Complaint committee. The full Grand Jury acted on each complaint. Some were deemed unworthy of any investigation and dropped. Others were looked into and dropped and others were assigned to existing committees. The City Building Department committee was appointed to look into several citizen complaints.

This years Grand Jury elected to look mostly into matters of concern to the community rather than the agencies selected for review by the matrix found in the Napa County Grand Jury Procedures Manual 200-2001. The Special Needs Housing committee looked into the community's response to the homeless problem, the Sullivan Shelter, the Winter Shelter , Samaritan Shelter and the Hope Center. The review of Napa – Vallejo Waste Management Authority was conducted by a joint committee of the Napa and Solano County Grand Juries, a first for Napa County. Agricultural Pesticides, the Napa River Flood Control Project, County Planning, and the litigation over the Airport Specific Plan were all subjects posing problems for the community that have been reported in the media. The Napa County Fire Department was selected from the matrix. The committee on the City of Napa Building Department was appointed as a result of a citizen's complaint and the same committee looked at City of Napa Code Enforcement as the two seemed intertwined at the time the committee was appointed. It is required that the Grand Jury look at the Napa County Jail and Juvenile Hall and the Auditor each year. A committee was appointed to look into the manner in which the funds raised by Measure Y and Proposition 1A were spent by the Napa Valley Unified School District. It also looked at maintenance and deterioration of some of the physical facilities of some of the schools in the District.

FINDINGS AND RECOMMENDATIONS SELECTED FOR SPECIAL EMPHASIS

1. The Sullivan Shelter must be replaced. Fulfillment of Napa's Master Plan will require moving the downtown single adult shelter which is presently using a condemned county building. The replacement of this shelter with a larger permanent shelter is priority #1.
2. The Family Shelter (Samaritan House) on Old Sonoma Road will accommodate seven (7) families at a time. Many families with children on the waiting list for Samaritan House are housed in local motels at taxpayers' expense. The expansion of Samaritan Shelter, or the development of additional family shelters, is priority #2.
3. Napa County's Board of Supervisors and its responsible agencies need to urgently address the issues raised by the invalidity of the Housing Element and the General Plan. The County has hard choices to make regarding growth, development and housing and it is up to the elected officials to take stands and make policy rather than maintain their current "wait and see" attitude.
4. The County Board of Supervisors and its Planning Commission and Planning Staff, and the various City Councils, and their Planning Commissions and staff should make every effort to accommodate applications for relocation of businesses closed by the Flood Control Project, including but not limited to giving priority to such applications over other applications.
5. Napa County Fire Department has administrative and budgetary issues which need to be addressed by the Board of Supervisors.

FUNCTION OF THE GRAND JURY

THE GRAND JURY

The primary function of the Grand Jury is to examine all areas of local government: county, city and special districts (including school districts). The 19-member "civil" Grand Jury in Napa County conducts non-criminal investigations to ensure that government funds are judiciously used, that services are effectively delivered, and that all accounts are properly audited.

The Grand Jury is an independent and confidential body. The Presiding Judge of the Superior Court, the District Attorney, the County Counsel and the State Attorney General can, and do, provide advice, but they may not, except for legal cause, prevent the body from acting within its jurisdiction.

A county Grand Jury does not have jurisdiction in state and federal matters. There are state and federal grand juries impaneled at those respective levels. Consequently, the Napa County Grand Jury cannot investigate state or federal agencies. Nor does it have any jurisdiction over the courts or a matter in litigation. But, in general, governmental bodies within Napa County, and events involving those agencies, can be investigated by the Grand Jury.

Grand Jurors are expected to be fair, to show sound judgment, to maintain absolute confidentiality, and to serve as representatives of the public. Therefore, the Grand Jury is not the forum from which to express narrow political ideals or viewpoints, but is, rather, the organization that seeks to better the government that presently exists. Members are selected from among Napa County residents. Beginning in 1993, all residents were offered an opportunity to volunteer. Judges and friends of the court can also nominate county residents. Up to ten members, in their initial term of service, may volunteer to hold over for one additional year. Each Grand Jury is impaneled for one year, from July through the following June.

Napa County residents who are interested in serving as Grand Jurors are encouraged to apply. To be considered, an applicant must:

- Be a citizen of the United States
- Be at least 18 years of age
- Have resided in Napa County for at least one year immediately prior to being selected
- Have ordinary intelligence and good character
- Possess a working knowledge of the English language
- Not be presently serving as a trial juror

- Not have been a Grand Juror within one year of being selected (except holdovers)
- Not have been convicted of a felony or malfeasance in office
- Not be presently serving as an elected official

Interested citizens should write to the Superior Court, Napa County, Suite 125, 825 Brown Street, Napa 94559, or call 253-4481, Ext 202 to volunteer or nominate someone.

The Grand Jury is an arm of the court system. It is not a part of the District Attorney's Office, nor is it a law enforcement agency. For the most part Grand Juries function as "civil" grand juries rather than criminal grand juries. This is because preliminary hearings in the Courts have, for the most part, taken the place of criminal indictments by grand juries. In the federal system the rule is the opposite because the United States Constitution requires grand jury indictments for all serious federal crimes.

A "civil" grand jury has very limited powers. The California Supreme Court has held that the Grand Jury does not have inherent powers to establish its own investigatory apparatus for the detection of crime. Moreover, a "civil" grand jury should not engage in "fishing expeditions", "hidden agendas" or indiscriminate meddling. The scope of inquiry of a civil grand jury is limited to those subjects that are founded upon knowledge, which comes to the Grand Jury, not by rumors and reports, but by information acquired from evidence before the civil grand jury or from individual grand jurors' own observations. For the most part civil grand jurors are charged with investigating the "operations, accounts, and records" of the officers and departments of local government and the "method or system of performing the duties" those officers and departments employ.

A "civil" grand jury makes investigations and reports on those civil investigations to the general public after the reports have been reviewed and approved for release by the court. Although approval of the courts precedes the release of the Final Report, the courts do not have the right to require changes to the grand jury reports. The reports are usually issued in the form of a Final Report that is published at the end of the Grand Jury's year of service.

In extraordinary circumstances, the civil grand jury can become a participant in the legal process to remove from office or indict a government official, but any such action initiated by a grand jury must be based on facts substantiated and confirmed by the Grand Jury's own investigation. The Grand Jury can take no action based solely on allegations of other parties.

California law provides for civil and criminal functions for grand juries. While a "civil" grand jury can also function as a criminal grand jury, it is

unlikely that would occur. Were a criminal matter to be taken up by the Grand Jury at the request of the District Attorney, it is likely that a separate grand jury would be convened for that purpose.

THE 2001-2002 NAPA COUNTY GRAND JURY

The current Grand Jury met regularly during the year every other Wednesday evening. Most of the members served on at least three committees. The majority of their time was spent in individual committee meetings and in conducting field investigations, which usually were performed both during normal business hours and, when appropriate, at night.

HOW INVESTIGATIONS ARE CONDUCTED

Jurors initially meet with the management and staff of an agency. The various records of the agency are inspected, the physical facilities are inspected, and representative public meetings, if any, are attended. Leads are followed which might provide additional information. Eventually, proposed "findings" and "recommendations" are developed.

CITIZEN COMPLAINTS AND LETTERS TO THE GRAND JURY

Each year correspondence is received from citizens expressing concern or requesting investigation of various city agencies, county agencies and special districts. Each complaint is reviewed by the Grand Jury and action is taken to either (1) investigate the matter and make a report; (2) investigate the matter and drop it; or (3) drop the matter without investigation. It is best to submit any complaint or request at the beginning of the jury term so that the Grand Jury will have sufficient time to investigate the matter.

WHAT HAPPENS AFTER THE FINAL REPORT IS PUBLISHED

Copies of the Grand Jury Final Report are maintained on file in the office of the Court Executive Officer and the Clerk of the Board of Supervisors, where they remain accessible to the public. Final Reports are also available at county libraries and are published in the newspapers. Agencies that are required to make responses must respond in writing to the Presiding Judge of the Superior Court of California, Napa County, within 60 to 90 days after publication of the Report. The responses must be placed on file with the clerk of the investigated agency and at the office of the Court Executive Officer and may be accessed by the public at those locations.

NOTE TO RESPONDENTS

GENERAL

The legal requirements for response to Grand Jury findings and recommendations are set forth in California Penal Code, Section 933.05. Each Respondent should become familiar with those legal requirements and if in doubt should consult with legal counsel before responding. For the assistance of Respondents, Section 933.05 of the Penal Code is summarized below:

HOW TO RESPOND TO FINDINGS

The responding person or entity must respond in one of two ways:

1. That there is agreement with the finding.
2. That there is disagreement, wholly or partially, with the finding. In such a case, the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

HOW TO REPORT ACTION IN RESPONSE TO RECOMMENDATIONS

Recommendations by the Grand Jury require action. The responding person or entity must report action on each recommendation in one of four ways:

1. The recommendation has been implemented, with a summary of the implemented action.
2. The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. If a Respondent replies in this manner, the law requires a detailed explanation of the analysis or study and a time frame not to exceed six months from the date of publication of the Grand Jury Final Report by which the recommendation will be discussed.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation as to why it is not warranted or reasonable.

BUDGETARY OR PERSONNEL RECOMMENDATIONS

If a finding or recommendation deals with budgetary or personnel matters of a county department headed by an elected officer, both the elected officer and the Board of Supervisors shall respond, if the Grand Jury so requests. While the response of the Board of Supervisors may be somewhat limited, the response by the department head must address all aspects of the findings and recommendations.

ADVANCE RELEASE OF GRAND JURY REPORT DISCLOSURE PROHIBITED PRIOR TO PUBLIC RELEASE

Two working days prior to public release of the Final Report, the Grand Jury is required to provide a copy of the pertinent portion of the report to each affected agency or person. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to its public release.

TIME TO RESPOND; TO WHOM TO RESPOND

The Penal Code provides for two different response methods:

1. For a Public Agency:

The governing body (i.e. the Board of Supervisors, a City Council, Board of Governors of a special district, etc.) of the public agency must respond within ninety days after public release of the Final Report. The response must be addressed to the Presiding Judge of the Superior Court.

2. For an Elected Officer or an Agency Head:

All elected officers or heads of agencies who are required to respond must do so within sixty days after public release of the Final Report. The response must be addressed to the Presiding Judge of the Superior Court, with an information copy to the Board of Supervisors.

AIRPORT SPECIFIC PLAN – NAPA COUNTY

In July 2001, the Grand Jury determined to look into the litigation over the 1998 Airport Industrial Area Specific Plan (the "1998 Plan") between "The Petitioners" (Citizens for Honest Government, Sierra Club and the City of American Canyon) and the County of Napa in an attempt to determine the reasons for the lawsuit and the ultimate result.

SUMMARY OF FINDINGS

Finding 1

The Grand Jury finds it repugnant that an entity of Napa County sued the County itself. The taxpayers of the County and of American Canyon funded this litigation; American Canyon residents were taxed twice, both as citizens of the City and citizens of the County. Both bodies should have instructed staff to meet and consult until the need for litigation was resolved. The Napa County Board of Supervisors ("the Board") and the American Canyon City Council ("the Council") should have given way to the common good.

Finding 2

The Board seem to be content to operate on a "status quo" basis with an invalid Housing Element, an invalid General Plan, and an invalid 1998 Airport Specific Plan (see October 26, 1992 letter from Deputy Director of Department of Housing and Community Development in Attachment).

BACKGROUND

The participants in this lawsuit seem to have had various reasons for filing suit. Citizens for Honest Government was a small organization unhappy with the Napa County Board of Supervisors; the Sierra Club was concerned about environmental issues near the Airport; and the City of American Canyon was embroiled in a long-standing dispute with Napa County. This dispute arose as a result of the incorporation of American Canyon in the early 1990's. When the City incorporated, it resulted in a net loss of revenue to the County's tax base. The incorporation greatly reduced Napa County's intended new housing base which was part of the Housing Element of the 1983 General Plan as amended in 1986. The County had planned to authorize the construction of new houses in south Napa County to meet its state and regional obligations for housing, including low-cost housing. American Canyon's incorporation resulted in a loss of new housing area to meet the County's housing obligation.

Throughout the years following the incorporation, there had been additional skirmishes between American Canyon and Napa County. American Canyon has been unable to obtain a Rural-Urban Limit for growth purposes. There has been little cooperation from the County in responding to legitimate requests from American Canyon. The City's joining in the suit against the County regarding the Airport plan was a further attempt to get the County's attention.

In 1999, the Napa Superior Court (the "NSC") ruled that the County's 1998 Airport Industrial Area Specific Plan (the "Plan") was invalid because the Environmental Impact Report (the "EIR") that had been prepared to assess the Plan's impact was deficient in its consideration of the Plan's impacts after buildout upon traffic, housing and steelhead trout. The 1998 Plan was an updated version of the County's 1986 Plan for the airport area, with more specific and comprehensive "industrial park" design, improvement and density standards. The NSC also held that the 1986 Plan, which the 1998 Plan superceded, remained valid and that the County could continue to process and approve projects in the airport area which complied with the earlier standards, while the County worked to correct deficiencies in the 1998 Plan and its EIR. This latter portion of the NSC's decision was not appealed.

The County appealed the invalidation of the Plan. The appeals court in San Francisco (the "Court") in a published opinion, affirmed the NSC's decision. The County asked the Court to reconsider its decision and was denied. The California Supreme Court declined to hear the County's appeal.

Several significant issues of "first impression," not previously ruled upon in California environmental law, were decided by the Court. First, the County could properly decide to delete certain traffic mitigation measures adopted as part of the 1986 Plan, which the passage of time proved were infeasible. The 1986 Plan called for traffic interchanges to be built at the intersection of highways 29 and 221 at the south end of the Southern Crossing bridge and at the intersection of highways 29 and 12 at Airport Boulevard and Jamison Canyon Road. The 1998 Plan deleted these improvements as a required element of Plan buildout because: (1) the contribution of project traffic to congestion problems caused by other traffic using these roadways was "minor"; (2) the County lacked the funds to implement these very costly improvements (perhaps \$70 million); and, (3) the County did not control the design, approval and construction of these State highway improvements; Caltrans did.

These were legitimate reasons for County to conclude these improvements were "infeasible." Evidence supported these reasons. Changed circumstances over time allow a county to delete or modify project mitigation measures previously adopted. They are not cast in stone. Mitigation measures to minimize significant environmental effects, such as traffic, are "infeasible" if

they cannot be accomplished within a reasonable time, taking into account economic, environmental, social and technological factors.

Secondly, the Court concluded that the 1998 Plan EIR adequately identified traffic impacts from the airport industrial area and mitigation measures, even though the only mitigation it required was funding an area traffic study, not funding the actual improvements if the study concluded they were necessary. Mitigation measures must be roughly proportional to the impacts of a project. Since there was evidence that project traffic impacts were a "minor" contributor to area traffic problems, funding the costly improvements was not proportional and therefore did not require mitigation. The County will continue to impose a traffic mitigation fee on plans for area development, which so far has raised more than \$2 million for internal roadway improvements.

Third, the Court held that the EIR contained an adequate discussion of housing impacts and mitigation, but that its discussion of significant impacts due to water availability and wastewater treatment was not adequate. Since preparation of the EIR American Canyon has constructed its own sewer plant and there is capacity to service the Plan area (American Canyon south of Fagan Creek and Napa Sanitation District north of Fagan Creek). American Canyon has also contracted with Vallejo for extra water and, according to the Napa Flood Control and Water Conservation District, is in good shape for both short and long-term water supply.

Finally, the EIR failed to adequately consider project impacts on steelhead trout in the Napa River. The County unwisely elected not to amend the Plan EIR to discuss this and incorporate necessary mitigation (stream setbacks, riparian cover, prevention of siltation/sedimentation).

Aside from finding these deficiencies in the EIR, the Court also held that the 1998 Plan was invalid because it was in conflict with the County's General Plan. The General Plan is the highest and most authoritative document in the hierarchy of County plans and ordinances. All specific plans or zoning ordinances are subordinate to it and must be consistent with the dictates of the General Plan.

What is particularly significant about the Court's ruling is that the 1998 Plan was inconsistent because it frustrated the general "Goals" of reducing congestion and implementing a comprehensive circulation system set forth in the General Plan. The County argued these Goals were advisory only, but the Court concluded they were mandatory. The Court found the 1998 Plan failed to implement these Goals, contained no specific improvements to reduce congestion and to handle the increase in traffic from the project area without increasing congestion. This will be a challenge to the County, since it has concluded it lacks the funds and authority to make congestion-reducing improvements on adjacent State highways 221, 29 and 12. It may be that the

County will have to amend its General Plan Goals to recognize this reality before it can approve a "consistent" Specific Plan for the airport area. The Court also concluded any new Specific Plan must include affirmative steps to mitigate project impacts on housing and growth in order to be consistent with the General Plan.

The result of the decision is that no pending projects may be approved under the 1998 Plan, as it is invalid and will remain so until properly adopted after certification of an adequate EIR. Processing of all project applications in the airport area by the County under the 1998 Plan have been processed under the 1986 plan. Each project must comply with the California Environmental Quality Act (CEQA), and several are required to prepare their own EIRs. The 1986 Plan remains valid and in force.

There appears to be a lack of concern by the Napa County Board of Supervisors regarding the invalidity of the 1998 Plan, the invalidity of the General Plan, and, most importantly, the invalidity of the Housing Element of the General Plan. The monies spent on the 1998 Airport Specific Plan appear to be largely wasted. It appears to the Grand Jury that the resolution of the Housing Element has the highest priority. If the General Plan is to be updated, the Airport Specific Plan can be part of the General Plan update. Because of the invalidity of the Housing Element, and the General Plan and the Court's determination of the invalidity of the Airport Specific Plan, property rights of owners county-wide are in great jeopardy. The Grand Jury is informed that a court could prohibit all building permits in the county until a lawful Housing Element of the General Plan is adopted and the General Plan is updated.

The Grand Jury determined that the City of American Canyon spent \$173,000 on attorney's fees and that the County of Napa spent over \$380,000 on attorney's fees and consultants on the litigation in addition to the substantial cost of preparation of the 1998 Airport Specific Plan. The Grand Jury is unable to determine the cost of lost staff time for either entity.

PROCEDURES

The Grand Jury interviewed members of the Napa County Board of Supervisors, members of the American Canyon City Council, members of Citizens for Honest Government, the Napa County Planning Director and staff, the American Canyon City Manager, Napa City Council members and members of the public.

Finding 1

The Grand Jury finds it repugnant that an entity of Napa County sued the County itself. The taxpayers of the County and of American Canyon funded this litigation; American Canyon residents were taxed twice, both as

citizens of the City and citizens of the County. Both bodies should have instructed staff to meet and consult until the need for litigation was resolved. Individual personalities on both the Board and the Council should have given way to the common good.

Recommendation 1

Future litigation between the County and its cities or other governmental bodies should be avoided at almost any cost. In the future, staff should be directed to find a solution short of litigation. Mediation between the staff of the County and the staff of the City should be required before resorting to litigation.

Response Requested from

American Canyon City Council
Board of Supervisors
County Executive Officer
County Planning Director

Finding 2

The Napa County Board of Supervisors seem to be content to operate on a "status quo" basis with an invalid Housing Element, an invalid General Plan, and an invalid 1998 Airport Specific Plan.

Recommendation 2

Napa County's Board of Supervisors and its responsible agencies need to urgently address the issues raised by the invalidity of the Housing Element, and the invalidity of the General Plan. The County has hard choices to make regarding growth, development and housing and it is up to the elected officials to take stands and make policy rather than maintain their current "wait and see" attitude.

Response Requested from

Board of Supervisors
County Executive Officer
County Planning Director

AGRICULTURAL PESTICIDES - NAPA COUNTY

The Grand Jury reviewed agricultural pesticide use and regulation in Napa County. This included the following:

- Monitoring proper use, storage and application procedures by licensed commercial pesticide users;
- Enforcement of regulations required by local, State and Federal laws, and the penalties imposed for violations;
- Pesticide exposure risk data - worker and public health issues;
- Effects on the Napa County watersheds – ground water, streams, water reservoirs and the Napa River; and
- Efforts to publicly educate farmers, agricultural workers, and our citizenry regarding pesticide risk issues including information on alternatives to traditional pesticide use

SUMMARY OF FINDINGS

1. The Grand Jury found no evidence of any significant, repetitive or extensive violation of agricultural pesticide use in the county. Where appropriate, it appears that violators have been assessed warnings, penalties and/or fines and corrected their misuse.
2. The Agricultural Commissioner has created a Glassy-Winged Sharpshooter (GWSS) task force of citizen activists and experts and created a GWSS work plan for Napa County. The Grand Jury commends the Napa County Agricultural Commissioner for his leadership.
3. "Sustainable Agriculture" practices have helped result in a reduction of traditional chemical pesticide use in Napa County of 10% from the prior year. Pesticide use has dropped in Napa County in 2000 for the third straight year.
4. Watershed testing by the State for ground and surface water has shown undetectable levels of pesticides. Local agencies are not performing water testing required by State agencies.
5. The Offices of the Agricultural Commissioner, the Department of Environmental Management and Public Health are watching for and have found no reported cases of any serious pesticide related health issues in Napa County. There are no studies or data to indicate a clustering of cancer or higher incidences of cancer in agricultural areas of the county or among agricultural workers.

BACKGROUND

The California Department of Pesticide Regulation (DPR) and Federal Environmental Protection Agency (EPA) regulations provide guidelines for local agencies on pesticide licensing, reporting and use. Local agencies involved in pesticide regulation and safety include the Napa County Agricultural Commissioner's Office, the Department of Environmental Management and the Public Health Department.

Agricultural pesticide use can be the single greatest contributor to water pollution and air pollution in many rural counties. Concern regarding pesticide use has risen once it was understood that these toxins can have effects on health and the environment well beyond their intended use against pests. Potential public health and environmental consequences of traditional agricultural practices can include:

- Contamination of ground water and the watershed by hazardous materials;
- Air pollution from pesticide drift, waste burning, and machinery exhaust fumes;
- Human health risks such as cancer, reproductive and neurological toxicity, and other acute and chronic illnesses such as allergic reactions and skin sensitivity associated with the use of pesticides on farmlands;
- Wildlife loss due to habitat destruction and toxic effects on birds, fish, bees and other beneficial organisms; and
- Degraded soils from over cultivation, excessive use of chemical pesticides and fertilizers, soil erosion from hillside vineyard development, and neglect of the proper balance of microbial and organic matter needed to maintain healthy soil.

Heightened public awareness of pesticide effects is appropriate: nearly 25% of pesticide applied in agriculture in the U.S. is applied in California. In addition, pesticide exposure is not just confined to our agricultural areas; pesticides are also used in and around homes, yards, buildings, stores, schools, parks, and other public settings. Persons most susceptible to unwanted toxic effects of pesticides are among the most vulnerable in Napa County: farm workers, children, the homeless, the elderly and ill.

The Napa County Agricultural Commissioner (AC) supervises a staff of 22 regular employees and some additional seasonal employees. The Commissioner and his staff are responsible for the implementation of Federal, State and local regulatory agricultural programs within Napa County. Specifically, these programs are designed to both protect citizens and our

environment as well as to promote agriculture within Napa County. The challenge for the AC is to balance these goals, which can be at odds with each other.

The AC licenses local professional pesticide dealers, advisors and applicators. The AC investigates all reports of pesticide related illness or injuries, relying on the county Public Health Staff and local health care providers to report these occurrences. The AC also enforces some regulations to protect ground and surface water from pesticide contamination.

The AC Office performs random field inspections using staff biologists primarily during the dormant growth season. Three or four inspectors examine pesticide storage sites, review vineyard managers' records regarding worker safety programs and pesticide use, and attempt to keep farmers abreast of current State and Federal requirements for worker safety and pesticide use. The AC states that within a 4-year period, all licensed users of pesticides in Napa County are reviewed. Warnings and/or fines are imposed on violators. The maximum penalty is \$700 per violation. The Grand Jury reviewed records of penalties imposed by the AC Office over the past three years.

PROCEDURES

1) The Grand Jury interviewed the following officials, agencies and citizens in Napa County:

- A large scale organic vineyard manager using Sustainable Agricultural techniques
- A large scale vineyard manager using conventional techniques
- A citizen member of POISON (People Opposed to Insecticide Spraying on Neighborhoods) who is also on the Napa Agricultural Commissioner's Special Advisory Committee on Alternatives to Pesticide use
- A citizen on the Napa Watershed Task Force
- The County Agricultural Commissioner
- The County Director of Environmental Management
- The County Public Health Officer
- A medical director and several health care providers from health care clinics that serve agricultural field workers

2) The Grand Jury reviewed the following published data and reports regarding pesticides:

- Water testing in Napa County by local, State and Federal agencies for chemicals and pesticides over the past 12 years;

- Penalties imposed by the Napa Agricultural Commissioner's Office for misuse of hazardous materials over the past 3 years;
- POISON Manual 2001 (People Opposed to Insecticide Spraying on Neighborhoods) - a collection of citizen activist papers on pesticide use;
- Roots of Change: Agriculture, Ecology and Health in California - published by the Funders Agricultural Working Group in San Francisco, CA (March 2001) - a report on Sustainable Agriculture in California;
- Pesticides and Human Health - resource for health care professionals - published by Physicians for Social Responsibility and Californians for Pesticide Reform (1999) - data and positions by health care professionals;
- Time For a Change: Pesticides and Wine Grapes in Sonoma and Napa Counties - published by Californians for Alternatives to Toxics (1997) - data and positions by citizens; and
- Cancer statistics for Napa County and California - published by American Cancer Society (2000) and additional data from Napa County Public Health Office.

3) Grand Jury committee members attended a Napa Valley Vintner's Association Conference with presentations on Sustainable Agriculture research and the use of alternatives to traditional pesticides in Napa County.

4) Grand Jury committee members reviewed past Grand Jury Reports on the Napa County Agricultural Commissioner's Office.

Finding 1

The Grand Jury found no evidence of any significant, repetitive or extensive violation of agricultural pesticide use in the county. Where appropriate, it appears that violators have been assessed warnings, penalties and/or fines and corrected their misuse.

Recommendation 1

The Napa County Agricultural Commissioner's Office should remain vigilant and continue to vigorously investigate violations of pesticide regulations as detected. The current system of inspection every four years should not be routine and should be done more frequently. Penalties for repeat or large-scale violations should be greater than \$700 fines.

Response Requested From

Napa County Agricultural Commissioner
Napa County Board of Supervisors

Finding 2

Other counties in California have had devastating agricultural problems with the introduction of the Glassy-winged Sharpshooter (GWSS) as a vector for Pierce's Disease in certain crops. At this time, there is no evidence of GWSS infestation in Napa County. While there are other pests that have already introduced Pierce's Disease into Napa County, the introduction of the GWSS would create an exponentially more serious problem.

The AC and staff created the current GWSS work plan. The GWSS work plan for Napa County has evolved following much citizen task force input. Initially, some citizen groups felt that the work plan was premature and unsatisfactory, in that it did not adequately include options for using alternatives to traditional pesticides. What has resulted is a work plan that offers property owners options of traditional or alternative pesticides in the event of an infestation.

The Grand Jury review found that the Napa County Agricultural Commissioner is knowledgeable and responsive to community concerns regarding agricultural pesticide issues. He continues to regularly meet with several citizen and vintner groups on this matter. He appears to be one of the leaders in the State on the GWSS issue. There has been a continuing attempt by the AC to educate the general public, vintners, agricultural workers, and health care providers on this topic.

COMMENDATION

The Grand Jury commends the Napa County Agricultural Commissioner for his leadership on the GWSS issue and his efforts at appointing qualified Napa County citizens to task forces on this important pesticide related matter.

Finding 3

Traditional agricultural practices involving the application of toxic chemicals to soil can lead to cumulative chemical effects that contaminate the environment, threaten human health and compromise ecosystems. There is a growing trend among some County farmers that is resulting in a movement away from traditional chemical pesticides and towards a safer pest management approach. This concept of "Sustainable Agriculture" can provide agricultural product in a profitable way without creating pollution or risks to human health or environment.

Sustainable Agriculture is "an integrated system of plant production practices that meet the needs of the present without compromising the ability of future generations to meet their needs" according to the Sustainable Agriculture Research and Education Program at the University of California, Davis. This Program was created in 1986 by CA legislature in response to concern about:

- Protecting human health and wildlife in rural communities;
- The environmental impacts of traditional agricultural techniques;
- Profitability and success of small and family farming operations; and
- Ensuring abundant, affordable and healthy farming product.

Recommendation 3

The AC Office should take the lead in encouraging Napa County farmers to learn about and implement Sustainable Agricultural concepts and techniques. Research and data available suggest that Sustainable Agricultural techniques are an important means towards prevention of the adverse effects of traditional chemical pesticides and fertilizers, while still operating profitable and productive farms. Sustainable Agriculture should be one of the subjects for the Public Awareness Week in Recommendation #4.

Response Requested From

Napa County Agricultural Commissioner
Napa County Board of Supervisors

Finding 4

Last year, more than 2,120,000 pounds of pesticide were used in Napa County, which ranked 22nd highest in pesticide use out of California's 58 counties. This represents a 10% decrease from the prior year. This is the third straight year that Napa County has experienced decreased conventional agricultural pesticide use.

Three of the top five most-used pesticides or herbicides in Napa County: sulfur, glyphosate salt and copper hydroxide, are considered relatively safe to humans. The most commonly used chemical is elemental sulfur, which many believe is relatively safe for human contact and the environment. In fact, elemental sulfur is authorized for use by certified organic farmers. However, some observers still feel that there may be long-term health risks even with elemental sulfur use.

Two others in the top five, methyl bromide and simazine, are among chemicals that most concern citizen activists:

- Methyl bromide is a soil sterilant in gas form used prior to planting. It has been associated with human birth defects at low doses, and its use is closely regulated under the terms of Proposition 65: the State's Drinking Water and Toxic Enforcement Act of 1984.
- Simazine is a common herbicide used on grapes. It is categorized as a possible human carcinogen and endocrine disrupting chemical. It is a frequent ground water contaminant throughout the U.S.

Some vineyard managers believe that most of the useful information on effective pesticide or herbicide choices comes from local dealers, marketing agents or word of mouth from other vineyard managers, rather than from our local government agencies.

Recommendation 4

The Grand Jury acknowledges and applauds County farmers' efforts at reducing traditional pesticide and herbicide use. The Department of Environmental Management and The Office of the Agriculture Commissioner should consider a "Public Awareness Week" for increased dissemination of information regarding pesticide, health and clean water issues in Napa County. The Napa Board of Supervisors needs to be kept abreast of recent changes in State and Federal laws regarding use and monitoring of pesticides in our county.

Response Requested From

Napa County Agricultural Commissioner
Napa County Director of Environmental Management
Napa County Public Health Officer
Napa County Board of Supervisors

Finding 5

Watershed testing for ground and surface water contamination in Napa County done by State agencies over the past twelve years has shown undetectable levels of pesticide or herbicide. These tests are done on a random, unscheduled basis throughout high-risk areas in the county. State requirements vary from one time testing, annual testing or every three-year testing, depending on the chemical. Water is also tested for other

contaminants, including pathogens, nutrients and sediment by these random tests.

Currently the Department of Environmental Management (DEM) receives State funds of \$26,000 per year plus additional tax revenues from local water districts for implementing these environmental health and safety regulations. However, neither DEM nor any other local Napa County agency is testing ground or river water for pesticide contamination at this time. According to the Director, this is in part due to DEM staffing shortages over the past several years. The State may take over the required testing in Napa County if DEM does not comply, and DEM could lose State and water district revenues for this testing. Currently, neither Sonoma nor Solano County agencies are doing local ground water testing; it is being done by the State.

Recommendation 5

Napa County DEM should comply with State requirements for chemical contaminant testing in ground and surface water at this time, and make use of the funds received for this task. Napa County DEM needs to comply or the testing should be turned over to State regulators.

Response Requested From

Napa County Director of Environmental Management
Napa County Board of Supervisors

Finding 6

The Agriculture Commissioner, the Director of DEM and the Napa County Public Health Officer have investigated and found that there are no reports of any serious illnesses or injuries related to pesticide use in Napa County. There have been some mild eye and skin irritations or allergic reactions of a temporary nature in some pesticide workers.

The Grand Jury finds that there is no data or evidence to link pesticide exposure with any chronic or long-term illness or injury affecting Napa County residents. Specifically, the Grand Jury finds that there is no evidence to indicate a clustering of cancer or higher incidences of cancer among residents in agricultural areas of the county or among agricultural workers.

Recommendation 6

The Public Health Officer, Agriculture Commissioner, and DEM should maintain public education programs which encourage reporting and detection of both acute and chronic illness related to pesticide exposure. All reasonable requests for investigation of illness or injury caused by pesticides should be fully investigated and tracked by a joint database and good communication between all three agencies.

Property owners' requests for no pesticide use on their property should be honored. No forced spraying should be considered for areas around schools, daycare centers, hospitals, retirement homes, parks, tourist areas, medical and vet facilities, creeks and other bodies of water. Chemically sensitive persons, such as cancer patients, AIDS patients, asthmatics, and others with compromised immune systems should be notified prior to any spraying.

Response Requested From

Napa County Agricultural Commissioner
Napa County Director of Environmental Management
Napa County Public Health Officer
Napa County Board of Supervisors

AUDITOR – COUNTY OF NAPA

The Napa County Auditor-Controller Department provides accounting and internal audit services to various county government entities, including but not limited to county agencies, or special districts. It utilizes two major software systems provided by Megabyte (Property Tax) and PeopleSoft (Financial, Payroll/Personnel) and many in-house developed spreadsheets and databases tools, mostly developed on Microsoft Corporation product platforms. This department works closely with the County Treasurer's Office and the County Assessor. The County Auditor-Controller Department provides to county managers financial reports including budget information.

SUMMARY OF GRAND JURY FINDINGS AND RECOMMENDATIONS

1. Bartig, Basler & Ray (B.B. &R.) is the certified public accountant firm contracted by the County to provide the independent audit of the county's annual financial statements. The current contract is for a period of three years for the Fiscal Years Ending (FYE) 2002, 2003 and 2004 and was renewed in 2001 . The County should contract with a different independent audit firm in the next cycle to ensure freshness of opinion.
2. The County is currently working to implement and comply with Governmental Accounting Standards Board Statement No. 34 (GASB-34), which establishes new financial reporting requirements for state and local governments. In compliance with GASB-34, the Board of Supervisors established with the adoption of Resolution No. 01-83 a policy for budgetary controls that defines the value of fixed assets. The Grand Jury finds that the County's decision to expense physical assets individually valued at less than \$5,000 that excludes those assets from the Balance Sheet will understate the property, plant and equipment assets held by Napa County.
3. In addition to its duties as the independent auditor, B.B. & R. also provides accounting services to the County, specifically in implementing GASB-34. The Grand Jury recommends that different entities perform the independent audit function and accounting service, especially when establishing Pro-Forma Financial Statements and new accounting standards.
4. Napa County maintains many trust fund accounts. Problems with trust fund accounting have occurred in the past. Internal reports used by the Auditor-Controller's Department to manage these Trust Funds demonstrate that the accounting processes are inadequate.

The County Board of Supervisors should require that the independent auditor review the Trust Fund accounting system, its internal control structure and procedures, and report to the Board of Supervisors those matters which it considers to be material or worthy of consideration.

PROCEDURE

I. The Grand Jury obtained the following information:

- The County Auditor-Controller was interviewed.
- The lead independent audit manger from B.B.& R. was interviewed.

II. The Grand Jury reviewed:

- County of Napa Management Reports For the Years Ended June 30, 2000 and June 30, 2001.
- County of Napa Annual Financial Report For the Fiscal Years Ended June 30, 1999; June 30, 2000; and June 30, 2001.
- General Ledger Organization Budget Status, County of Napa For the Periods: 1 to 12, FY 2000; 1-12, FY 2001; and 1 to 6, FY 2002.
- General Ledger Organization Revenue Status, County of Napa For the Periods: 1 to 12, FY 2000; 1 to 12, FY 2001; and 1 to 6, FY 2002.
- General Ledger Detail Transactions- Napa. For Fiscal Year 2001, Period 1 to 12.
- Trust by Program of Trust Fund List(s) as of 6/30/01 and 12/31/01.
- An exhibit listing all of the County's bank accounts prepared by the Treasurer-Tax Collector.
- An exhibit prepared by the Auditor-Controller's Department listing all of the local government entities of Napa County and the identified responsibilities (either accounting services or internal audit) of the Auditor-Controller.
- An exhibit of General Fund Budget Transfers for FY 2000-2001.
- GASB-34.
- Resolution No.01-83. Resolution of the Board of Supervisors of the County of Napa State of California. Policy For Budgetary Controls.
- Contracts between B.B.&R. and The County of Napa for audit services for the FYE 1997, 1998, 1999, 2000, 2001 and FYE 2002, 2003 and 2004.

BACKGROUND

I. B.B & R. Overview

B.B.&R. is the certified public accountant firm contracted by the County of Napa to provide the independent audit of the county's annual financial statements. This firm was originally awarded the outside audit contract by the county in 1986 for the FYE 1987, 1988 and 1989. The contract with the county was subsequently extended to include FYE 1990, 1991, 1992 and 1993. For the FYE 1994, 1995 and 1996, Marcias & Company provided the outside independent audit service. In 1996, the county awarded a contract to B.B.&R. to conduct the independent audit function for the FYE 1997, 1998, 1999, 2000 and 2001. The contract with this firm was renewed to include FYE 2002, 2003 and 2004. The county included the 2000-2001 Napa County Grand Jury Audit Committee (Audit Committee) in the decision process for the most current contract. The County Auditor-Controller opined that with the implementation of GASB- 34 required in 2002, that the extension of the B.B.&R. contract was appropriate in consideration of the firm's familiarity of the County's financial systems and methods. The Audit Committee does not disagree with the Auditor-Controller's opinion. As permitted but not required by statute, the county may solicit competing bids to provide the annual independent audit of its financial statements, and should the county receive competing bids, it may award the contract based upon merit and cost. Regarding the most recently completed independent audit contract, no other accounting firm was requested to submit a proposal to provide the county with auditing services.

Along with the independent audit function provided by B.B.& R. the Auditor-Controller's office requested that this firm provide consulting services (establish Pro-Forma Financial Statements for the FYE 2001) for the implementation of GASB-34. The scope of work described in the contract between B.B.&R. and the county executed in 2001 did not anticipate this additional work. It was believed by the Auditor-Controller that the Pro-Forma Financial Statements could be created by existing county staff.

II. Policy for Budgetary Controls—Fixed Assets and GASB-34

The county is currently working to comply with GASB-34, Basic Financial Statements-- and Management's Discussion and Analysis—for State and Local Governments. The Preface to Statement No. 34 reads as follows: "This Statement establishes new financial reporting requirements for state and local governments throughout the United States. When implemented, it will create new information and restructure much of the information that governments have presented in the past. We developed these new requirements to make annual reports more comprehensive and easier to understand and use." One of the most significant changes to the financial

statements of the County of Napa will be the inclusion of capital assets , including infrastructure assets, in the county wide statement of net assets.

Resolution No. 01-83, entitled "Policy For Budgetary Controls" was adopted June 19, 2001 by the Napa County Board of Supervisors and defines the policy for fixed assets in paragraph number 8 as follows: "All requests to establish fixed assets, or to reallocate fixed asset appropriations, require the approval of the Board of Supervisors, either through the budget process or else during a Board of Supervisors meeting, and are to be established in the Equipment account line item (356600010). Fixed assets are those items of equipment, including PC's (sic) and related peripherals or furnishings, each valued at \$5,000 or more." Physical assets purchased by the County that are not capitalized and established as fixed assets under the County's policy are expensed in the current fiscal year. It is not clear to the Grand Jury that with the adoption of the policy and if by expensing rather than capitalizing physical assets, that those assets would be included in the Physical Assets Inventory (Asset Tagged) by Napa County.

III. Trust Funds

The County of Napa holds many trust funds. As of December 31, 2001 the Auditor-Controller was responsible for the accounting of 1,132 active trust fund accounts. The value of individual trust fund accounts varies from \$0 to several million dollars. These accounts are broadly characterized by the following categories: County General Fund, Special Revenue Funds, Permanent Funds, Pension Funds, Investment Funds, Private Purpose Funds and Agency Funds. The trust funds are further identified by individual county departments, courts, agencies and commissions such as Health and Human Services, Public Works and the District Attorney's Office. Many but not all of these trust accounts accrue interest. Accounting for these trust fund accounts is cumbersome. Notations included on the Trust Fund Accounts spreadsheets provided to the Grand Jury and dated June 30, 2000, June 30, 2001 and December 31, 2001 indicate that many of the accounts are very old, should be inactivated, or should be valued at \$0 at the fiscal year end (allocated) and yet show significant dollar amounts.

In fairness to the Auditor-Controller Department, the Grand Jury acknowledges that spreadsheet notations indicate that various County entities were requested to provide information regarding trust fund accounts that could be made inactive or that required specific instructions by the entity as to how the funds should be allocated. In the two year financial period reviewed by this investigation specific to the Trust Fund accounts, the Grand Jury is able to conclude (based upon no change in the notations) that the County entities either ignored the request, did not prioritize the request or were not able to provide guidance in a timely manner.

Two examples of accounts that should show zero balances at year end are:

1. FBA:ST/CO PROP TAX ADM-AB818, Program # 10168, \$956,163.73; and,
2. FBA:SUPPLEMENTAL-SB813, Program # 70018, \$931,285.52. In theory, unallocated funds are not available to a county entity until such action occurs.

Problems with Trust Fund accounting were made public last year after it was discovered that one Trust Fund Account (an interest accruing account specific to property tax) was inadvertently unaccounted for due to a change in the staff person responsible for property tax accounting, and partially due to a chronic staff shortage in the Auditor-Controller's office. Since this disclosure, the Auditor-Controller has implemented departmental cross-training programs to mitigate these sorts of accounting errors, and was able to fill staff vacancies.

Finding 1

The County renewed the independent audit contract with B.B.&R.

Recommendation 1

While the Grand Jury finds no material fault with the services provided by Bartig, Basler & Ray, the Grand Jury believes that it would be prudent for the county to contract with a different accounting firm to provide its annual independent audit after the current contract with Bartig, Basler & Ray is completed. While such a change may cause the county to pay more for the required auditing services, the Grand Jury believes that such a change is warranted in order to ensure a freshness in the opinion formed by the independent auditor with regards to the county's financial statements and as well, its consideration of the County of Napa's internal control over financial reporting.

Response Requested From

County Board of Supervisors
County Executive Officer
County Auditor-Controller

Finding 2

The exclusion from the Balance Sheet of physical assets valued at less than \$5,000 will understate the actual value of property, plant and equipment held by the County. Such an exclusion may be material. Furthermore, expensing physical assets that have a useful life of more than one year

presents an unclear picture of current year operating expenses and makes it difficult to analyze the government's financial performance.

Recommendation 2

The Board of Supervisors should review the accounting decision made by its adoption of Resolution 01-83, *Policy For Budgetary Controls*. The Grand Jury recommends that the Board of Supervisors reduce the value of those physical assets to be included in the County's Balance Sheet to \$750 with a useful life of more than one year for an individual item, or, \$500 with a useful life of more than one year for items purchased in bulk, such as road signs, office fixtures and furnishings and similar items. Physical assets purchased by the county with a useful life of less than one year should be expensed. The adoption of such a modification in policy would better reflect the County of Napa's actual assets when identified separately from infrastructure assets such as roads, buildings and bridges.

Such a policy modification would better reflect the current year expenditures in the County of Napa Annual Financial Report, provide easier analysis of original budget and revised budget figures, increase the usefulness of prior budget year comparisons to current and future years budgets, and also allow users (including the public) to assess the government's ability to estimate and manage its general resources.

Response Requested From

County Board of Supervisors

Finding 3

The County of Napa contracts with B.B. & R. to provide independent audit services. Due to the required implementation of GASB-34, the County sought additional outside professional services (accounting services) to assist with the work associated with this endeavor. The County of Napa enlisted the services of B.B. & R. to establish Pro-Forma Financial Statements for the FYE 2001.

Recommendation 3

The Grand Jury believes that undetected potential problems could occur when the accounting firm providing the independent audit is also conducting other accounting or consulting services. This is a basic separation of duties issue, and the above-described situation should not be repeated.

In the future, the County of Napa should segregate accounting and independent audit services performed by outside companies.

Response Requested From

County Board of Supervisors
County Executive Officer
County Auditor-Controller

Finding 4

It is apparent that Trust Fund accounting needs further attention. As of June 30, 2001 total cash and investments in the county treasury per financial statements are \$286,540,045. Even small errors or incomplete work by the Auditor-Controller's office may have significant impact upon the accounting of public funds. The Grand Jury notes that the independent auditor did not include any comments on the accounting of Trust Funds in its prior two Management Reports (Year Ended June 30, 2000 and Year Ended June 30, 2001).

Recommendation 4

The Board of Supervisors, County Executive Officer, and the citizens of Napa County should expect that the Trust Funds held by the County of Napa be accounted for in a thorough, timely and accurate manner.

Work not done at the close of accounting periods is work done poorly. The Board of Supervisors and County Executive Officer should instruct the independent auditor to review the Trust Fund accounting system, its internal control structure and procedures, and report to the Board of Supervisors those matters which it considers to be material or worthy of consideration.

Response Requested From

County Board of Supervisors
County Executive Officer
County Auditor-Controller

BUILDING DEPARTMENT – CITY OF NAPA

The Grand Jury reviewed the City of Napa Building Department. The investigation determined the following:

- The City of Napa Building Department follows all State Codes.
- The four code books (Plumbing, Electrical, Mechanical, Building) are updated every three years.
- Wednesday Express Permits are issued the same day.
- The City Plan Checker is enforcing all the Building Codes.
- Classes to educate building professionals on the updated Codes are available.
- Stricter Building Codes in the State of California require more vigorous plan checking.

SUMMARY OF FINDINGS

1. The Grand Jury found there to be widespread dissatisfaction in the construction community with the Napa City Building Department in its Building Permit Activities.
2. The dissatisfaction results from the Building Department changing its procedures to more rigorously enforce the Building Codes

BACKGROUND

The City Building Department is under the jurisdiction of the Department of Public Works and independent of the City Planning Department. The Building Department, however, must check with the Planning Department to determine if the General Plan and the Zoning Code allow the Building Permit to be issued.

Due to several complaints against the City of Napa Building Department, several interviews took place with officials from the City of Napa Building Department and citizens that used the City of Napa Building Department to obtain building permits.

The most frequent complaint was the turn-around time for the permit. If the building plans submitted by an architect were rejected, then it would be up to that architect to correct the plans and re-submit them as soon as possible. A good set of plans submitted for a larger project takes four to six weeks to receive a permit. The time frames

mentioned are from first applying for permits to receiving correction letters. All plans are reviewed by the City Plan Checker.

There are three different types of obtaining permits and each type has a different time frame:

- Full Project Permit – 4-6 weeks
- Minor Project Permit – 2 weeks
- Wednesday Express Permit – Wednesday only

There was an increase in the number of permits granted in 2001 due to the earthquake in September, 2000. Specifically, permits were granted to 229 single family dwellings, 2,530 residences (mainly remodeling), 269 commercial building (tenant improvements), and 12 industrial, B&B's, Motels, etc.

The Wednesday Express Permit was designed by the Napa City Building Department after hearing the needs of the public. This is designed for simple projects such as decks, garages, porches, etc. New construction on commercial buildings takes four to five weeks. To speed the process of a permit, the City of Napa Building Department works closely with the City Planning Department, the City Fire Prevention Department, and the City Public works engineer.

- Building Permit fees are determined by a cost per square foot of construction. The procedure is the same since 1985, but the cost per square foot has increased. Fees received for permit process goes into the City General Fund. Building Permit fees collected in Fiscal Year 2000/2001 were \$896,195.94.

Since the Grand Jury began its examination of the Building Department, a new policy has been adopted by the City of Napa Building Department. When a plan is returned for corrections the third time, a meeting is set up with the owner of the property, the engineer, and the architect to discuss the issues and to clarify the code requirements.

PROCEDURES

The Grand Jury interviewed the following officials and citizens of Napa County:

- City Building Official
- Director of Public Works
- Past Employees of the Napa City Building Department

- Private Contractors, Real Estate Brokers using the Napa City Building Department
- The Grand Jury reviewed the following published data and reports regarding the Napa City Building Department:
 - Fee Activity Report – Special District Fees and Inclusionary Fees
 - Codes on Dangerous Buildings
 - Codes on Nuisances
 - Codes on Residential Districts

Finding 1

The Grand Jury found there to be widespread dissatisfaction in the construction community with the Napa City Building Department in its Building Permit Activities. The Grand Jury heard the comment several times that contractors, engineers, and designers refuse to do business in Napa because of the City of Napa Building Department.

Recommendation 1

The City Council should instruct the Napa Building Department to take specific steps to promote better customer relations.

Finding 2

The dissatisfaction results from the Building Department changing its procedures to more rigorously enforce the Building Codes.

Recommendation 2

Professionals in the building community should take the classes offered by the Building Department to learn about updated Building Codes.

Finding 3

In spite of the dissatisfaction, the Grand Jury found that the City of Napa Building Department is performing its duties in an appropriate manner.

Recommendation 3

None.

Response Requested From

Chief Building Inspector
Department of Public Works
Napa City Council

CODE ENFORCEMENT - CITY OF NAPA

The Grand Jury reviewed the Code Enforcement Department and the Fire Department pertaining to the Code Enforcement. The investigation determined the following::

- A Code Enforcement Officer (CEO) must have some legal background.
- The CEO strictly follows the Code Manual.
- The CEO must have a good knowledge of the Municipal Code.
- The CEO works on complaints only.
- Violators of the Penal Codes/Vehicle Codes are under jurisdiction of the Police Department.

SUMMARY OF FINDINGS

Finding 1

The Grand Jury found no evidence that the CEO and the Fire Department's activities pertaining to the CEO were negligent in performing their duties.

BACKGROUND

The CEO handles the building codes, smoking ordinances, and noise ordinances for commercial and construction activity. The CEO works in conjunction with the Fire Department and Police Department. The jurisdiction for code enforcement is private property and businesses located within the City of Napa. The CEO works on complaints only. The average complaint results in a letter being sent to the violator and this takes 15 to 30 days. Additional staffing and a larger facility are necessary to expedite this process. As of now, there is one full-time assistant and one part-time retired California Highway Patrol Officer who works 3 ½ days a week.

The CEO strictly follows the Code Manual, which is updated at different times. But when it comes to enforcing fines due to violations, the CEO takes into account that not all violators have the financial means to pay the fines. A financial plan is worked out for the violator. The fees are adjusted annually. On the "smoking ordinance," violators receive a courtesy letter with guidelines. If the smoking ordinance is not posted, the CEO will turn the situation over to Cal OSHA and there could be a fine imposed on the establishment owner. Fees collected from inspections go back to the City of Napa for inspection costs and other time incurred expenses.

If a violation is found while inspecting a business, the business owner is given the opportunity to fix the violation. The business will be inspected again at no charge and at that time, if the violation has not been corrected, a third inspection is scheduled, but there is a charge. If the violation has not been corrected, the business owner can be fined \$1000 per day until the violation has been corrected.

A complaint regarding a vehicle that had not been moved for seven months was referred to the City Police Department. The situation has been corrected. An ordinance is being reviewed now that would make it illegal to have a boat, trailer, or motor home parked on any public street for more than 72 hours.

The following fees were collected as fines in the year 2000-2001 and are paid into the General Fund:

Code Enforcement Violations	\$2,150.44
Weed Abatement Program	\$9,575.43

PROCEDURES

The Grand Jury interviewed the following officials:

Fire Marshal
Code Enforcement Officer
Employees of the Fire Department
Chief of Police
City Manager

The Grand Jury reviewed the following published reports regarding code enforcement and the Fire Department:

City of Napa – Logs of Maintenance Violations
City of Napa Complaint Guidelines –1999

Finding 1

The Code Enforcement Section of the Fire Department is understaffed, underfunded and has inadequate office space.

Recommendation 1

The City Council should provide the staff and space for the CEO to function properly.

Finding 2

At the time of the Grand Jury inquiry, the Code Enforcement Department had a backlog of 52 complaints.

Recommendation 2

None.

Finding 3

There are insufficient funds raised from fines to pay for the cost of code enforcement.

Recommendation 3

The fines should be increased to provide proper funding for code enforcement.

Response Requested From

City of Napa Code Enforcement Officer
City of Napa Fire Chief
Napa City Manager
Napa City Council

FIRE DEPARTMENT - NAPA COUNTY

The Napa County Fire Department (NCFD) is made up of State, County and City firefighting agencies located within Napa County. Napa County contracts with the California Department of Forestry (CDF) to provide for administrative services and support to NCFD under the terms of a negotiated Memorandum of Understanding (MOU).

SUMMARY OF GRAND JURY FINDINGS AND RECOMMENDATIONS

1. NCFD has approximately 250 volunteer firefighters who deserve special recognition for providing a high level of dedicated and unpaid service to our community. The Grand Jury commends the volunteer firefighters in the NCFD.
2. There are difficulties with volunteer firefighter recruitment and retention in NCFD. This is a result of many factors including time required for training and certification requirements, lack of affordable housing in the County, and volunteers' unpaid status. The County should create a full-time paid staff at some volunteer fire stations and a system of pay-per-call for all volunteers.
3. The CDF Ranger Unit runs dispatch services for NCFD. CDF dispatchers are responsible for a very large and complicated six-county area of CDF stations in addition to local Napa County volunteer stations. There have been problems with some dispatchers' lack of familiarity with Napa County Volunteer station's dispatch needs. CDF Dispatch Command and some volunteer chiefs are not communicating well in resolving these problems.
4. CDF training sessions for volunteer stations have been inefficiently run and deficient in some cases. The County should create a Training Officer position only for NCFD Volunteers instead of relying on the CDF Training Officer. Additionally, the NCFD should pay the volunteers for training sessions.
5. CDF staffing policy has resulted in delays in routine equipment maintenance and providing warehouse supplies for the volunteer stations. Improved staffing and record-keeping practices are recommended.
6. The concept of all the volunteer chiefs acting as a meaningful Volunteer Chief Advisory Board is no longer effective. The volunteer chiefs that are content with the current system are content because

they are favored with equipment requests and other CDF resources. Other volunteer chiefs are less content and believe that CDF has no interest in volunteer chief participation in running NCFD. The Napa County Board of Supervisors (BOS) should reevaluate its decision to have CDF administer the NCFD, rather than the County. If the Napa County BOS chooses to maintain the current CDF administered system for NCFD, the BOS should have at least one high level County administrator assigned exclusively to work with all of the NCFD Volunteer chiefs.

7. In last year's NCFD Budget, there was a large surplus of revenue available at the end of the fiscal year. This is money that was not disbursed, but was "rolled over" into this year's budget and is kept in an interest bearing Fire Protection Fund (1080). The amount of money in this fund was \$3,278,727 as of 1/31/2002. This Grand Jury does not have the resources to examine the reasons for this surplus in the account or to recommend a resolution to the question of excess funding in Fund 1080. The Grand Jury recommends that the Board of Supervisors appoint a team of County staff including an auditor to look into the issue and make recommendations to the Board including changes to the MOU if necessary.

PROCEDURE

I. The Grand Jury obtained the following information:

- All nine County Volunteer chiefs were asked to complete a four-page questionnaire regarding their experiences with CDF support of their fire station's staff, equipment, facilities, training, dispatch and activities. Seven chiefs returned the survey.
- Five County Volunteer chiefs in the unincorporated area were interviewed.
- The Calistoga and St. Helena Volunteer Fire Department Chiefs were interviewed.
- CDF/NCFD administrative officials were interviewed, including the Chief, Deputy Chief, Asst. Chief Administration and Staff Services Analyst.
- The County Auditor/Controller was interviewed.
- The County Management Analyst for NCFD Budget was interviewed.

II. The Grand Jury reviewed:

- NCFD Incident summaries for the years 2000 and 2001.

- Memorandum of Understanding (MOU) between Napa County and CDF
- Contracts between State (CDF), County and Cities for NCFD
- NCFD Budget Reports for 1999-2000, 2000-01, and 2001-02.
- Past Grand Jury Reports on NCFD.
- County Audit of NCFD for fiscal year 1999-2000.

FINANCIAL DATA NAPA COUNTY FIRE DEPARTMENT

Revenues *	1999-00	2000-01	2001-02 (Requested)
Prop Taxes	3,441,000	3,675,000	4,731,000
Licenses, Permits and Franchises	117,000	111,000	115,000
Interest from Investment Funds	101,000	99,000	80,000
Intergovernmental	539,000	87,000	405,000
Contracts for Services	148,000	170,000	259,000
Miscellaneous	<u>9,000</u>	<u>4,000</u>	<u>4,000</u>
	4,355,000	4,146,000	5,594,000

Expenditures*	1999-00	2000-01	2001-02 (Requested)
Service and Supplies	3,686,000	3,067,000	5,544,000
Contingencies and Reserves	17,000	0	90,000
Buildings & Improvements	13,000	0	0
Equipment	59,000	564,000	604,000
Other	<u>10,000</u>	<u>0</u>	<u>13,000</u>
	3,785,000	3,631,000	6,251,000

**Figures are per NCFD Budget Reports given to the Grand Jury as of JAN ' 02 and are rounded off to nearest thousand*

BACKGROUND

I. NCFD Overview

In 1973 the Napa County Board of Supervisors (BOS) created the Napa County Fire Department (NCFD) to provide cooperative fire protection and emergency services to the unincorporated areas of Napa County. The NCFD is a collaborative effort, consisting of California Department of Forestry (CDF) administrative coordination for the four CDF stations (which are staffed full-time with State paid CDF firefighters), and the nine unincorporated area volunteer fire stations located throughout the county (staffed with unpaid volunteers on call). The local CDF regional office is near St. Helena, adjacent to the St. Helena CDF Fire Station. The CDF Sonoma-Lake-Napa Unit Chief has

responsibility for a six-county area for State CDF fire protection activities, and currently also serves as NCFD Chief.

Napa County has other contracts with the CDF to augment County fire protection. These include NCFD contracts with Calistoga, St. Helena, Napa State Hospital and Schell-Vista Fire Protection District stations for the provision of services to the unincorporated areas adjoining these agencies. The CDF additionally provides dispatching services for American Canyon and Napa State Hospital. The County contracts with the Town of Yountville and the California Veterans Home to provide fire services in those areas. The Cities of Calistoga, Napa, St Helena and American Canyon administrate their own municipal fire departments.

The CDF is contracted to provide training, equipment and dispatch services for the County Volunteer stations and in most instances, to pay for the stations utilities. The volunteer stations and local communities are responsible for providing their own personnel and providing land and buildings for the station facilities. The volunteers maintain their own facilities getting funding from various sources, including local community groups, community fundraisers and individual donors. The volunteers also provide local training, transportation costs, and uniforms at their own expense. The volunteers are covered by liability and Worker's Compensation insurance paid for by the County while on duty. Volunteer firefighters are generally unpaid for their service, unless the CDF uses them for a "State Fire" activity, at which time they are compensated on an hourly basis starting after the first two hours of service.

The County pays CDF an amount equal to 11.13% of NCFD expenditures for their administrative services under the terms of a negotiated Memorandum of Understanding (MOU) that is reviewed annually to reflect budget changes and changing needs by the communities served. The MOU generally calls for replacement of fire apparatus after about 15 years, although in some cases equipment is used for much longer periods of time. A 10-year schedule outlines equipment replacement and station maintenance needs.

II. CDF Administration

Several volunteer chiefs would prefer more support from CDF than they are currently getting. These volunteer chiefs believe that they are "out of the loop" on NCFD decision-making and budget input for their stations. A Volunteer Chief Advisory Board exists, but has no meaningful advisory function according to these volunteer chiefs. CDF is very large and runs a top-down management system. These chiefs believe that CDF has no interest in volunteer chief participation in running NCFD. It has been difficult for these volunteer chiefs to communicate with CDF supervisors. There have been occasions when chiefs do not get their emails and telephone calls returned in a timely manner when problems arise.

In a survey this year of the County Volunteer Chiefs by the Grand Jury, considerable frustration was expressed over a variety of these unresolved issues. Some of these chiefs were also concerned about a lack of identity and pride in the NCFD. Some believe this is due in part because NCFD is administered by a State agency, rather than a County agency. These chiefs believe that the six-county CDF Ranger Unit has such a large area of responsibility that the NCFD seems to get lower priority from CDF in attention and resources, especially in summer months when CDF is busy. Volunteer chiefs out of favor-with CDF administrators believe that they do not receive the same material support for their stations that other chiefs receive.

There are other volunteer chiefs who are content with CDF administration and think that most of their station's needs are currently being met by the CDF contracts with Napa County. They say that things have gotten better in the past few years, and are continuing to improve. They believe that a NCFD independent of CDF would not bring any new benefits to the volunteer stations. In their opinion, CDF provides many additional services to the County at no cost that are not part of the MOU.

III. Volunteer Chief Advisory Board

Article 3, section 3:2.1 of the Memorandum of Understanding between County of Napa and Volunteer Fire Departments calls for a permanent board comprised of all nine volunteer chiefs:

“...for the purpose of reviewing current and projected operations of the Napa County Fire Department...The positions and opinions of this board will be strongly considered and shall contribute to policy decisions made by the County Fire Chief...”

According to testimony received by the Grand Jury this Volunteer Chief Advisory Board does not function as specified by the MOU. The Grand Jury believes that the purpose of the MOU was to allow all the volunteer chiefs to be meaningfully involved in decisions involving NCFD policy and operations.

IV. Budget and Audit

It is not clear to the Grand Jury or many volunteer chiefs exactly how NCFD funds are spent or how much is being allocated to each NCFD station. Some chiefs have had to get needed engine or station equipment and upgrades from their own community fund-raisers because of CDF Equipment Committee denial for equipment requests. The CDF policy of “just ask and we will provide it” is not working for all the volunteer chiefs.

The CDF Staff Services Analyst (SSA) went through a line-item review of 2001-02 NCFD revenues and expenditures with the Grand Jury. The Grand Jury notes that it is not possible to track all disbursements for the individual NCFD Volunteer stations under the CDF budget reporting system. The SSA believes that the volunteer fire station's individual needs are too unpredictable and diverse to budget specific amounts for each station. The exception to this is that each County Volunteer Chief receives \$3000/yr from CDF that is discretionary.

The County has not routinely audited the NCFD Budget. The NCFD Budget was audited for the first time in fiscal year 1999-2000 in many years. The following NCFD record keeping deficiencies were noted by the fiscal year 1999-2000 Audit:

- "Finding: In testing cash disbursements for the fiscal year ended June 30, 2000, the claims were inputted and approved on the Batch Control Sheet by the same employee. In addition, the Department did not retain the signed copy of the Control Batch Sheet that authorized payment to the vendor for claims entered prior to February of 2000."
- "Finding: During the examination of cash disbursements for the fiscal year ended June 30, 2000, it was noted that the claim amount exceeded the \$3,000 limit established by the Auditor-Controller's Office for 4 out of 25 transactions examined. Based on these results, all expenditure accounts were scanned for claims in excess of the \$3,000 limit. An additional 36 transactions were in excess of the \$3,000 limit. The amounts range from \$3,053 to \$14,243."
- "Finding: During the examination of the Department's cash receipts for the fiscal year ending June 30, 2000, it was noted that 4 out of 10 deposits examined did not have supporting documentation that could be reconciled to the general ledger."

The County Auditor made recommendations on correcting these problems. The SSA noted in CDF Management's response to these audit findings that all three findings have been corrected and subsequent record keeping will comply with the Auditor's recommendations.

Finding 1

The NCFD Volunteers consist of approximately 250 dedicated and hard-working men and women who spend many unpaid hours training and working

for their local communities in fire prevention programs, fire protection and medical emergency calls.

COMMENDATION

The Grand Jury commends the volunteers in the NCFD for their long hours of service and training dedicated to the safety and support of our communities. The value of this currently unpaid work force is significant and should be acknowledged by our community.

Finding 2

There are problems with volunteer firefighter recruitment and retention in Napa County. Several volunteer stations are short on numbers of volunteers. In recent years, the number of persons interested in volunteer firefighting has been decreasing. Each year, as our County population increases, the volunteer stations in NCFD are called upon to increase their workload. Data confirm that most stations are making more calls each year. The annually increasing call-out rate is wearing on many of the volunteers. Recruiting and staffing of volunteer stations has become more difficult for most of the chiefs (there are a couple of exceptions to this where local community support is very strong).

This difficulty is due to a combination of factors, including the rigorous training and certification required by the State, the time commitment necessary, problems with access to affordable housing in Napa County, and the fact that volunteer firefighters are not paid. At some stations, high volunteer turnover rate keeps training sessions to basics. Many younger volunteers eventually quit volunteer work to join paid fire departments or to pursue other paying jobs.

Emergency calls during Monday-Friday daytime hours are the most challenging for most volunteer fire stations. Most of the volunteers are not readily available during those hours because they are working at their regular jobs, sometimes located out of area. Evenings and weekends are generally easier to staff.

Recommendation 2

The Grand Jury recommends that the County initiate a paid weekday full-time staff of firefighters at certain volunteer stations where necessary. This could include a paid chief and one or two full-time paid firefighters. Calistoga initiated a system like this three years ago with good results; the City of St. Helena Fire Department also has a part-time paid chief. Some volunteer stations may not require this where staff is always readily available.

This paid staff would facilitate Monday-Friday daytime calls, do local administrative work, keep up the facilities at the station, organize training/recruiting and most importantly, have a permanent staffing voice that could be more effectively heard by the NCFD administration. This system would decrease response times for emergency calls Monday-Friday daytime at some stations, as weekday staff would be available immediately at the volunteer stations.

The NCFD should supplement the proposed full-time paid County fire station staff with a pay-per-call system where other on-call volunteers could handle evening and weekend calls, and would be paid on an hourly basis for all calls.

Response Requested From

CDF
Napa County Board of Supervisors
Napa County Executive Officer

Finding 3

Central Dispatch located in the City of Napa initially receives most emergency "911" calls. For the unincorporated areas of Napa County, medical emergency and fire calls are then relayed to CDF Dispatch in St Helena. These calls are then relayed again to the appropriate volunteer firefighters via pagers or local community sirens. There have been delays of 8 minutes and longer from when a County resident dials 911 until the call is relayed to the volunteer station staff. A response time of 5 minutes or less to arrive on scene in order to initiate CPR or defibrillation is the goal generally accepted by most rescue agencies.

CDF Dispatch is a complex system. When CDF initiated dispatching for the combined six-county CDF Ranger Unit, many observers felt that NCFD dispatching decreased in quality. Dispatchers have made errors when dispatching some NCFD Volunteer station fire engines. This has been either the result of inexperienced CDF Dispatch personnel, or from faulty information listed in the CAD (Computer Assisted Dispatch). There have been incidents of dispatchers sending the wrong fire engines to County fires or medical emergencies because they do not know all the proper dispatch tones or areas of responsibility for the volunteer stations. Some volunteer chiefs have had difficulty getting CDF dispatch administrators or supervisors to acknowledge and address these dispatch errors.

Recommendation 3

The Grand Jury recognizes that it is a demanding task for CDF Dispatch to handle the six-county CDF Ranger Unit as well as NCFD dispatching. Nonetheless, all dispatchers need to be proficient in their knowledge of NCFD and required to perform this task at the highest level. Dispatchers need to know the proper tones, stations, roadways and volunteer areas of responsibility for all of Napa County. Dispatch Command needs to assure that Computer Assisted Dispatch (CAD) information is up to date and accurate for NCFD dispatch purposes.

As problems arise with unsatisfactory CDF Dispatch performance, NCFD Volunteer chiefs need to be able to communicate effectively with CDF supervisors and get responses and honest efforts at problem solving from these administrators without delay.

Response Requested From

CDF
Napa County Board of Supervisors
Napa County Executive Officer

Finding 4

CDF training for volunteers has been inconsistent, partly due to the fact that the CDF Training Officers have been transferred or promoted every two years on average. This constant turnover has created prolonged vacancies in the position at times and has led to poor continuity in volunteer training sessions provided by CDF. Many volunteer chiefs describe the CDF Training Officer position as a "stepping stone" where qualified personnel are moved or promoted to other jobs after a short period of time.

Some volunteer chiefs complained that CDF training personnel do not always show up when they are scheduled and do not seem to give much priority to volunteer training sessions. Some volunteer chiefs have been told that CDF cannot give training to volunteers in summer months, due to their own CDF staffing needs. One volunteer chief has learned to rely more on neighboring CDF fire station personnel for training than on the CDF administration. He arranges training directly with the CDF stations rather than using the CDF Training Officer. Other chiefs rely mostly on their own local volunteer training programs.

The recent appointment of a volunteer firefighter to the CDF County Training Officer position may help alleviate these training problems. This will likely depend on how long he is kept in that position by CDF, and the quality of the volunteer training the CDF allows him to implement.

County unincorporated area station volunteers are not paid for either CDF training sessions or local training sessions.

Recommendation 4

An improved and more reliable CDF training system should be implemented to make sure CDF fulfills its training agreements with the County for the volunteers. It may be necessary to reconsider the policy of changing the CDF Training Officer position every two years. One solution would be to create a specific County Training Officer position only for NCFD Volunteers, instead of relying on the CDF Training Officer. NCFD Volunteers should get the same high quality of training in a reliable and consistent manner, as do paid firefighters.

Paid volunteer training sessions would likely improve County Volunteer participation, morale and performance. The Grand Jury recommends that NCFD pay the volunteers for training sessions.

Response Requested From

CDF
Napa County Board of Supervisors
County Executive Officer

Finding 5

For most of fiscal year 2000-01, there was only one full-time employee at the CDF Maintenance Station in St. Helena providing all NCFD fire engine, emergency and routine equipment maintenance. Most of the volunteer chiefs think that this employee performs very well and does an excellent job, but he needs more help. There have been incidents of long waits (months) for routine maintenance service due to this staffing shortage. Some chiefs are waiting long periods for equipment testing and having to make do without equipment due to these delays.

One full-time person staffs the CDF/NCFD warehouse and on occasion supply needs are slow to be filled. Usually there is no staffing of the warehouse on weekends. No data are published regarding the distribution of supplies to individual volunteer stations.

Recommendation 5

A delay of months in some instances for routine maintenance seems excessive. There should be adequate maintenance staff persons available to address NCFD needs for timely equipment routine service.

The CDF/NCFD warehouse should be adequately staffed and supplies readily available to the volunteer stations whenever necessary, including on weekends. There should be records available regarding distribution of supplies to individual NCFD Volunteer stations and tracking for the costs of these disbursements.

Response Requested From

CDF
Napa County Board of Supervisors
County Executive Officer

Finding 6

The concept outlined by the MOU where the volunteer chiefs act as a meaningful Volunteer Chief Advisory Board is not working well. The volunteer chiefs that are content with the current system are content because they are favored by receiving equipment requests and other CDF resources. Other volunteer chiefs are less content and believe that CDF has no interest in volunteer chief participation in running NCFD.

Recommendation 6

The Napa County Board of Supervisors (BOS) should reconsider its decision to have CDF administer the NCFD rather than the County.

If the BOS chooses to maintain the current CDF administrated system for NCFD, the BOS should have at least one high level County administrator assigned exclusively to work with all of the NCFD Volunteer chiefs. This person should be readily available to the volunteer chiefs, and should communicate with all nine chiefs on an equal basis. This person would act as a liaison between CDF and the volunteer stations and would speak on behalf of the volunteer stations to the County Administrator and BOS in dealing with all the different segments of the NCFD system. This person should also see that funds for equipment are distributed fairly.

Response Requested From

CDF
Napa County Board of Supervisors
Napa County Executive Officer

Finding 7

In last year's NCFD Budget, there was a large surplus of revenue available at the end of the fiscal year. This is money that was not disbursed, but was "rolled over" into this year's budget and is kept in an interest bearing Fire Protection Fund (1080). The amount of money in this fund was \$3,278,727 as of 1/31/2002 according to the County Auditor.

Recommendation 7

This Grand Jury does not have the resources to examine the reasons for this surplus or to recommend a resolution to the question of excess funding in Fund 1080. The Grand Jury recommends that the Board of Supervisors appoint a team of County staff including an auditor to look into the issue and make recommendations to the Board including changes to the MOU if necessary.

Response Requested From

CDF

Napa County Auditor/Controller

Napa County Board of Supervisors

Napa County Executive Officer

NAPA RIVER FLOOD CONTROL PROJECT

The Napa County Flood Control and Water Conservation District (NFC) has historically been an agency of the County of Napa operating as a division of the Napa County Department of Public Works. In 1998 the voters of Napa County passed an increase of one half of one percent in the sales tax to fund the local share of a \$180,000,000 (estimate at the time) Napa Flood Management Plan designed by the U.S. Army Corps of Engineers with great input from Community Coalition for Napa Flood Management. The NFC sponsored the Plan. In the process, the NFC Board of Directors, formerly the Board of Supervisors was changed to add to the Board of Supervisors the Mayors of each of the County's Cities and a City Council person from the City of Napa. In 1999 bonds were sold in the amount of \$43,650,000 to finance the start of the plan.

SUMMARY OF GRAND JURY FINDINGS AND RECOMMENDATIONS

Finding 1

Income from the sales tax is running ahead of projections by 7.1 million dollars in three years.

Finding 2

In the acquisition files examined by the Grand Jury there was no instance in which the original offer was less than the appraised value. In only one instance was there an appraisal with a range of value and in that instance the initial offer was at the highest of the range.

Finding 3

The antagonism and bitterness that resulted from condemnation is the fault of the process and not the fault of FCD personnel. The better the process is understood by the property owner, the less the bitterness.

Finding 4

Negotiations for the acquisition of property and relocation expenses are conducted by consultants hired by the FCD and only rarely by FCD personnel.

Finding 5

FCD personnel have conducted themselves honorably and with integrity in the land acquisition process, and the grand jury commends them for their conduct.

Finding 6

The Grand Jury finds that, other than going permanently out of business, one of the worst things that can happen to a business that is located on property needed for the Project is to be closed from the time of the order of possession until a new location can be found. Temporary closure is devastating to most businesses.

Recommendation 6

The Board of Supervisors of the County and the Planning Commission and Planning Staff of the County and the City Councils of the County's Cities and their Planning Commissions and their Staffs should make every effort to accommodate applications for relocation of businesses closed by the Project, including but not limited to giving priority to such applications over other applications.

BACKGROUND

In July 2001 the local costs were estimated to be:

Land Acquisition	93,494,000
Relocations	51,865,000
Cash	9,558,000
District Maintenance	1,035,000
Total	155,952,000

In addition, Federal costs were estimated to total \$83,600,000.

The Plan provides flood protection through reconnecting the Napa River to its historical floodplain and restores over 600 acres of tidal wetlands. It is designed to protect 2700 homes, 350 businesses and more than 50 public properties. In order to accomplish the Plan the FCD has determined that it is necessary to acquire 292 properties including 219 tenants by agreement with the owners or by condemnation if no agreement can be reached. In July 2001 it was estimated by the FCD that it would spend more than 93 million dollars to acquire property and over 50 million dollars in relocation costs. A Financial Oversight Committee was appointed by the Board of Supervisors to oversee the

expenditure of funds. It was estimated that the Project would be completed within five to seven years.

As of March 2002:

Local	Estimated	Spent
Principal and Interest	111,239,000	1,801,000
Land Acquisition	93,494,000	67,000,000
Relocations	51,865,000	8,172,000
Cash	9,558,000	3,111,000
District Maintenance	1,035,000	5,000

By March 5, 2002 the FCD has made offers to purchase to 100 owners. Of the 100 offers, settlement has been reached with 83. It has also made offers to purchase 219 tenants, of which 206 have been accepted. It has brought condemnation proceedings against 23 owners and settled 11 of the 23. It has engaged in mediation with 5 owners and settled with 4. Of the 100 offers to owners, 54 were mobile home owners. The 83 offers that have been accepted include the 11 that settled after condemnation proceedings were initiated. Of the estimated \$93,494,000 the sum of \$67,000,000 has been spent leaving a balance of \$26,494,000. Of the 292 properties sought to be acquired, 83 have been acquired and 17 offers are outstanding leaving 192 properties upon which offers have not been made. Offers cannot be made on most until the engineering is completed by the Corps of Engineers and a determination of what is needed is made. FCD believes that the \$26,494,000 remaining will be enough because the remaining lands to be acquired are partial takes to accommodate the wall/levy/pathway.

In 1998 it was estimated that revenues generated by the half cent sales tax would be as shown in the following table. Growth was estimated at 3% per year. In fact revenues were generated as shown:

<u>Year</u>	<u>Estimate</u>	<u>Actual</u>
98-99	6.8M	7.8M
99-00	7.0M	9.9M
00-01	7.2M	10.4M
01-02	7.4M	
02-03	7.6M	
03-04	7.8M	
04-05	8.1M	

Revenues have exceeded estimates by \$7.1 million in three years.

The original assumptions included reimbursement from the State of California of \$75,000,000 and \$30,000,000 from the Corps of Engineers for

acquisition and relocation. In July 2001, FCD reported to the Financial Oversight Committee that it feared that the State and the Corps would not meet the assumptions and reduced them to \$33,500,000 and \$7,000,000 respectively. If the new assumptions are correct it will take longer to complete the project which will increase the cost of the project. While the Financial Oversight Committee and the staff of the FCD are aware of the problem, the problem seems to have failed to get the attention of the Board of Supervisors, the City Councils and the public.

California and Federal law and the State and Federal Constitutions dictate the process by which land is acquired by the FCD and by which relocation expenses are paid. It is an antiquated process designed to make sure that the property owner is paid the fair value of the property and the taxpayer is paying no more than the fair value of the property. The Grand Jury reviewed seventeen of the files of properties, which have been settled. FCD uses thirteen different very qualified appraisers, four of whom are from Napa. The FCD uses a consultant to negotiate with the property owner. Occasionally the property owner's estimation of the value of the property in question is much higher than the consultant's, sometimes double or more. Sometimes the property owner's opinion is correct. In the absence of agreement, the process results in dueling appraisals and bitterness on the part of the property owner. The process is not a friendly process. It is conducted by the FCD's consultants and not by FCD personnel except when negotiations break down and FCD staff is asked to step in. The process has improved since the first cases were settled and both sides learned when their positions were unreasonable.

PROCEDURE

In July 2001, the Grand Jury determined to look into the progress of the Project in terms of income, expense and projected income and expense and the acquisition of property and payment of relocation expense. The Grand Jury interviewed FCD executives and FCD consultants and property owner's and tenants whose properties were either threatened with condemnation or against whom condemnation actions had been filed, and tenants who were entitled to relocation assistance. The Grand Jury visited sites slated for condemnation and interviewed the people involved in negotiations for acquisition of properties required for the Project.

FINDINGS AND RECOMMENDATIONS

Finding 1

Income from the sales tax is running ahead of projections by 7.1 million dollars in three years.

Recommendation 1

None.

Finding 2

In the files examined by the Grand Jury there was no instance in which the original offer was less than the appraised value. In only one instance was there an appraisal with a range of value and in that instance the initial offer was at the highest of the range. There is no instance in which a settlement was less than the original offer.

Recommendation 2

The Flood Control District should continue to make its original offer at the highest appraised price.

Finding 3

The antagonism and bitterness that resulted from condemnation is the fault of the process and not the fault of FCD personnel. The better the process is understood by the property owner, the less the bitterness.

Recommendation 3

While the antagonism and bitterness are not going to go away, a better effort should be made by FCD to educate the property owner about the process and about how the property owner might go about determining the value of the property.

Finding 4

Negotiations for the acquisition of property and relocation expenses are conducted by consultants hired by the FCD and only rarely by FCD personnel.

Recommendation 4

FCD personnel should not be involved in original negotiations nor in every negotiation, but should be able to step in when the situation appears hopeless.

Finding 5

FCD personnel have conducted themselves honorably and with integrity in the land acquisition process, and the grand jury commends them for their conduct.

Recommendation 5

None.

Finding 6

The Grand Jury finds that, other than going permanently out of business, one of the worst thing that can happen to a business that is located on property needed for the Project is to be closed from the time of the order of possession until a new location can be found. Temporary closure is devastating to most businesses.

Recommendation 6

The Board of Supervisors of the County and the Planning Commission and Planning Staff of the County and the City Councils of the County's Cities and their Planning Commissions and their Staffs should make every effort to accommodate applications for relocation of businesses closed by the Project, including but not limited to giving priority to such applications over other applications.

Finding 7

In several instances the appraisal identified a property as having no value because the cost of toxic clean up exceeded the value of the property. In each instance if the FCD found that the current owner had not placed the contamination on the property it offered the full appraised value without deduction of any clean up cost.

Recommendation 7

None.

Finding 8

The FCD has proceeded to attempt to collect the cost of contamination clean up from the original polluter where possible.

Recommendation 8

None.

Finding 9

If the Federal share and the State share are not forthcoming, and in fact pay only that which is now budgeted by the FCD, there will be a short fall of revenues that will increase the cost of the project beyond the amount of the shortfall.

Recommendation 9

The FCD staff should report to the Financial Oversight Committee, the Board of Supervisors, the various City Councils and the public through the media the nature and extent of the shortfall and the contingency plans to meet it.

Response Requested From (to Findings 2, 3, 4, 6 and 9)

Napa County Flood Control and Water Conservation District Board

NAPA-VALLEJO WASTE MANAGEMENT AUTHORITY

A joint committee of the Napa and Solano County Grand Juries was appointed to review the activities of the Napa Vallejo Waste Management Authority, a Joint Powers Authority (JPA).

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Finding 1

The JPA has no staff of its own and is operated by the Napa County Department of Environmental Health staff in a very efficient manner. No single person is assigned full time to the JPA. Two or three of the Department's staff are assigned to the JPA along with their regular duties.

Recommendation 1

The JPA should continue to be operated without a staff of its own.

Finding 2

The County made a decision in 1993 to build the transfer station to avoid the liability for closure of another landfill. The JPA made a decision in 1997 to switch from truck to rail to truck to truck, because liability for closure of another landfill was no longer a problem.

Recommendation 2

None. The County made the correct decision in each case.

Finding 3

The JPA is paying Allied Waste Inc. (Allied) \$54 a ton. It includes the cost of operation of the transfer station, transporting the waste to Keller Canyon and the fees charged by an Allied subsidiary to dispose of the waste at Keller Canyon. Because the \$54 per ton is not broken down, it is not possible to tell if Allied is making more than it should on the cost of the operation of the transfer station, the transportation of the waste and the cost of disposal. The actual cost of burying the waste should be \$8 to \$9 per ton.

Recommendation 3

The JPA should allow no further extensions of Allied's contract, and when the contract expires in 2007 the JPA should open Allied's contract to

competitive bidding. The Request for Proposals should require each bidder to itemize the various elements of the bid:

1. Operation of the transfer station
2. Transportation from the transfer station to the landfill
3. Disposal of the waste at the landfill

The JPA could then award the low bid on operation to the lowest bidder for operation. If the low bid for transportation was from a different bidder the low bidder on the operation could be allowed to meet the transportation bid, or there could be bids awarded to different entities to take advantage of the low bid. The low bid for disposal at the landfill could come from yet another bidder. In any event it will be possible to issue a contract at a price which combines the lowest bid for the cost of operation of the transfer station, the cost of transportation and the cost of disposal at a landfill.

BACKGROUND

The Napa Vallejo Waste Management Authority, a joint powers authority (JPA) was created in 1993 to build and run a transfer station located south of the Napa County Airport in Napa County for handling of solid waste. The County of Napa was the lead decision maker. The decision was made because the County, at the time, was unable to avoid the liability of the cost of closure of the landfills in the area. The JPA was created by the County of Napa, the City of Napa and the City of Vallejo in response to the imminent closure of the American Canyon Landfill. At the time the City of American Canyon was not yet incorporated, but the waste stream from the area of the future city went to the American Canyon Landfill which is located in the unincorporated area of Napa County. The City of American Canyon joined the JPA in 1997 after it was incorporated.

The JPA acquired the American Canyon Landfill by agreeing to pay the cost of closure. Closure involves three aspects; (1) placing a cap over the landfill, (2) extracting the methane gas and (3) collecting the leachate. The capping is 66% complete and the gas collection is 66% complete. The JPA has \$8,451,335 in cash or cash equivalents to complete the closure and \$1,055,464 in an account that the State of California requires have \$1,000,000 in it to deal with unforeseen environmental problems. Closure should be complete by 2005.

In order to pay for the transfer station the JPA sold \$14,165,000 of 1994 Revenue Bonds which mature in 20 years. At the time the JPA was called the South Napa Waste Management Authority. It subsequently changed its name to the Napa Vallejo Waste Management Authority. The principal and interest on the bonds have been paid as they have come due and the balance on the bonds, as of August 15, 2001, is \$10,945,000. The debt service is \$1,285,035

per year. The bond underwriters required a coverage ratio of 1.25 which means that the income of the operation must exceed expenditures by 125%. In fiscal year 1999-00 the actual coverage was 1.62 and in 2000-01 the actual coverage was 1.49. The bond underwriters projected a constant waste stream of 170,00 tons. The JPA projects a constant waste stream of 190,000 tons. The March 28, 2000 rating of the bonds by Fitch IBCA is "A-".

The JPA is operated by a board of directors of four, one from each of the four entities comprising the JPA. The transfer station was completed and opened in the 1995-96 fiscal year. The JPA contracted with Rabanco to operate the facility. The two Napa garbage companies and Vallejo Garbage Company delivered the waste to the transfer station where Rabanco received it, loaded it on railroad cars, and shipped it to the state of Washington.

In 1990 the State of California mandated a reduction in the waste stream going to landfills of 25% by the year 1995 and 50% by the year 2000. Recycling facilities were constructed in both Napa County and the City of Vallejo. In the 1995-96 fiscal year the transfer station handled 156,000 tons of waste. In 1999-2000 the tonnage was 199,266 and in 2000-01 207,388 tons. The rate paid by the garbage companies when the transfer station first went into operation in 1996 was \$60.27 per ton.

In 1999 Rabanco was purchased by Allied Waste, the second largest waste management company in the U.S. The sale had to be approved by the JPA. The JPA approved the sale, but conditioned its approval on a rewrite of the Rabanco contract to lower cost disposal and transportation options and change the annual CPI escalator. The contract had called for an annual upward adjustment for Rabanco of 85% of the CPI. Allied, through an asset swap, had acquired a landfill near Pittsburg in Contra Costa County called Keller Canyon from Browning Ferris Industries (BFI) before acquiring Rabanco. Allied later purchased all of BFI. Allied, with the consent of the JPA, changed the operation of the transfer station from a truck to rail operation to a truck to truck operation and now hauls the waste from the transfer station to Keller Canyon. The JPA can now reasonably rely on Allied's financial position to pay the cost of closure of Keller Canyon, something the County could not do in 1993 when the decision to build the Transfer Station was made.

Allied has received two one year extensions on its contract from 2005 to 2006 on one occasion and 2006 to 2007 on a second occasion. The first extension was in exchange for the change from rail to truck and for a reduction in rate from \$70 a ton to \$54 a ton. The second was in exchange for Allied making improvements to the transfer station, improving the internal traffic flow, providing additional scales, a recycling and reuse area, and extension of operating hours, and personnel to operate the recycling and reuse area.

The Grand Jury learned that the rate for Potrero Hills Landfill is \$39.50 a ton, Fresno is \$46.33 a ton and Redwood Landfill (Sonoma County) is \$38.89 a ton. The numbers are not meaningful because it cannot be determined what is included. Napa Garbage Service has been advised by Republic Waste, who now owns Potrero Hills, that it will take waste at \$20 per ton. The Grand Jury has been advised that the cost of burying waste should be from \$8 to \$9 a ton.

The Contra Costa County Joint Powers Authority runs a transfer station in Martinez. It is paying Allied \$30.94 a ton for disposal at Keller Canyon.

In October 2000 the City of Fairfield issued a "Request for Proposals" for its waste disposal. Allied bid January 8, 2001. Its bid included disposal at Keller Canyon at \$36.19 per ton. The bid included the cost of purchasing trucks, hauling to the Martinez transfer station, transfer station costs, hauling from Martinez to Keller Canyon and lastly disposal at Keller Canyon.

PROCEDURES

The Grand Jury interviewed the Director of the Department of Environmental Health, Department of Environmental Health staff and visited the Transfer Station. It interviewed staff at the City of Fairfield, and the Contra Costa County Waste Authority and various individuals employed in waste disposal in Northern California. It reviewed the "Request for Proposals" prepared by the City of Fairfield and Allied's response.

Finding 1

The JPA has no staff of its own and is operated by the Napa County Department of Environmental Health staff in a very efficient manner. No single person is assigned full time to the JPA. Two or three of the Department's staff are assigned to the JPA along with their regular duties.

Recommendation 1

The JPA should continue to be operated without a staff of its own.

Response Requested From

Napa County Department of Environmental Health
The Napa - Vallejo Waste Management Authority
Napa City Council
Napa County Board of Supervisors

Finding 2

The County made a decision in 1993 to build the transfer station to avoid the liability for closure of another landfill. The JPA made a decision in 1997 to switch from truck to rail to truck to truck, because liability for closure of another landfill was no longer a problem.

Recommendation 2

None. The County made the correct decision in each case.

Response Requested From

None

Finding 3

The JPA is paying Allied \$54 a ton. It includes the cost of operation of the transfer station, transporting the waste to Keller Canyon and the fees charged by Allied to dispose of the waste at Keller Canyon. Because the \$54 per ton is not broken down, it is not possible to tell if Allied is making more than it should on the cost of the operation of the transfer station, the transportation of the waste and the cost of disposal. The actual cost of burying the waste should be \$8 to \$9 per ton.

Recommendation 3

The JPA should allow no further extensions of Allied's contract, and when the contract expires in 2007 the JPA should open Allied's contract to competitive bidding. The Request for Proposals should require each bidder to itemize the various elements of the bid:

1. Operation of the transfer station
2. Transportation from the transfer station to the landfill
3. Disposal of the waste at the landfill

The JPA could then award the low bid on operations to the lowest bidder for operations. If the low bid for transportation from the transfer station to the landfill was from a different bidder the low operations bidder could be allowed to meet the transportation bid, or there could be bids awarded to different entities to take advantage of both low bids. The low bid for disposal at the landfill could come from yet another bidder. In any event it will be possible to issue a contract at a price which combines the lowest bid for the cost of operation of the transfer station, the cost of transportation and the cost of disposal at a landfill.

Response Requested From

Napa County Department of Environmental Health
The Napa – Vallejo Waste Management Authority
Napa City Council
Napa County Board of Supervisors

NAPA VALLEY UNIFIED SCHOOL DISTRICT

EXECUTIVE SUMMARY

The committee on Napa Valley Unified School District investigated the physical condition of a number of local schools and the impact of bond monies spent over the last several years to improve the physical condition. The committee determined that the improvements made by Measure Y and Proposition 1A money were much needed and much more remains to be done. The recent bond expenditures primarily went to new roofing, heating/ventilation/air-conditioning, and electrical wiring upgrades. These were essential projects. The scope of these projects did not, however, address other important needs.

SUMMARY OF FINDINGS AND RECOMMENDATIONS:

1. Future bond measures should contain the requirement of the appointment of oversight committees comprised of citizens who have a commitment to the improvement of the school structures. Committee members should be allowed to participate in decisions made about improvements although they should not have veto power.
2. Napa Valley Unified School District facilities remain in need of substantial repair and improvement. Some facilities are in violation of various building codes, health and safety codes and the Americans with Disabilities Act. The District appears to be aware of these problems but does not have the funds to comply with applicable code in many instances. The Board of Trustees needs to reorder its priorities in allocating the limited funds available to it and focus more on code compliance.
3. School drop-off and pick-up areas are unsafe. Plans should be made to reconfigure and enlarge these areas for the safety of the students.
4. There are problems with work orders not being addressed in a timely manner and problems that go unnoticed and unrepaired. The District should consider further staffing and naming a single employee with the primary duty of conducting frequent site inspections and checking on possible safety and health issues.

BACKGROUND

The Grand Jury determined that it would look into the state of local schools, primarily with an eye to the physical plant. In part, this investigation

was an analysis of the benefits obtained through Measure Y, a bond measure passed by Napa County voters in June of 1996, and Proposition 1A, a statewide ballot measure passed in 1998. Both Measure Y and Proposition 1A authorized the issuance of bonds for the purpose of repairing and modernizing schools.

The text of Measure Y was as follows:

"To improve student health and safety conditions by repairing and renovating electrical, plumbing, heating, and roofing systems; and providing instructional technology infrastructure (cabling, wiring, and conduit) in classrooms, and providing handicapped accessibility as required by law; shall the Napa Valley Unified School District issue \$23,1000,000 of bonds at an interest rate not exceeding the legal limit, to acquire replacement portable classrooms, and to repair and renovate classrooms and school facilities?"

Measure Y projects were proposed by NVUSD and five major categories of improvements were included:

Technology Infrastructure	\$7,485,000
Heating Ventilation and Air-Conditioning	\$7,000,000
Roofing	\$4,835,000
Americans With Disabilities Act Compliance	\$2,480,000
Replacement of Non-conforming Buildings	\$1,300,000

Measure Y projects began immediately after passage of the bond act. Roofing projects were completed at Bel Aire, El Centro, Phillips, Pueblo Vista, Redwood Middle School, Napa High School, New Technology High and Ridgeview in the summer of 1996.

Summer 1997 projects included Heating Ventilation Air-Conditioning (HVAC) and electrical upgrades at Alta Heights, Bel Aire, Mt. George, Napa Junction, Pueblo Vista, Salvador, Redwood Middle School, Silverado Middle School and Napa High. Roofing projects were also completed at Donaldson Way, Shearer, Silverado Middle School and Vintage High School. A comprehensive roofing management program was implemented. Replacement and rehabilitation of non-conforming buildings was completed at Alta Heights, Browns Valley, Capell Valley, Carneros, Mt. George, Napa Junction, Napa High School and Vintage High School.

In the following year, NVUSD selected Meyers Engineering Group to develop plans and specifications for technology infrastructure and those projects were completed at Bel Aire, Browns Valley, Donaldson Way, McPherson, Mt. George, Phillips, Shearer, Vichy, Redwood Middle School, Silverado Middle School, Napa High, Vintage High and Ridgeview. In addition, HVAC projects were completed at Carneros, Phillips, Snow, Vichy and West Park.

When Proposition 1A was passed by the voters in 1998, it authorized substantially more monies for school districts. Under that proposition, school districts were entitled to funds based on a 20% district share; e.g., the state would spend \$4 for every \$1 spent by the school district. At this point, NVUSD had expended the majority of the \$23,100,000 from Measure Y but was able to obtain more than \$35,000,000 from the state under Proposition 1A. This infusion of cash enabled NVUSD to undertake additional projects to improve the infrastructure of individual schools.

However, despite the substantial additional monies obtained from the state, a few of the original projects proposed under Measure Y were not completed. Particularly, the Napa Valley Language Academy (formerly Westwood), Carneros and Yountville schools still require work which had been expected to be completed with the local funds.

The Grand Jury recognizes that a great deal was accomplished with these funds; however, much more remains to be done. School districts have recently suffered through public aversion to bond measures or other taxing devices and most of Napa's schools were built years ago. As a result, they require more maintenance and upkeep and there is little money in the budget for such necessary work. Many of Napa's children attend schools which are substandard and the funds designated for this purpose are very limited.

A. Measure Y Oversight Committee

At the time Measure Y was before the voters, backers of the bond proposition made a commitment to the voting public that an oversight committee would be appointed to oversee the School District's implementation of projects contemplated under the measure. The Grand Jury was informed that this promise was intended to convince voters that the funds generated under the bond measure would be properly appropriated and expended. Following passage, an oversight committee was selected and seated.

This committee was made up of fifteen members, including members of the Chamber of Commerce, representatives of the City of Napa, Napa County, the Town of Yountville, City of American Canyon and appointees from various organizations including media-appointed members, representatives of the Napa County Taxpayers Association and the Napa County Hispanic Network, along with several at-large members.

It appears to the Grand Jury that this oversight committee had little or no ability to do much besides rubberstamping NVUSD projects. A Mission Statement was adopted by the committee which contained the following language:

"The committee's actual activities will be limited to informing the public if, at any time, the School District or its employees voluntarily provide us any information which indicates the District has expended funds obtained through the sale of Measure Y Bonds in a manner violating state law that requires such expenditures to be limited to capital improvements and repairs to real property."

In other words, the only recognized responsibility of the oversight committee was to wait and see whether the School District itself, or one of its employees, voluntarily reported lack of compliance with state law. The Measure Y Interim Report stated that \$600,000 of Measure Y funds had been spent on technology infrastructure at American Canyon Middle School, a school that was not in existence at the time of the passage of Measure Y and therefore should not have been entitled to funds for "repair and renovation." The Grand Jury has attempted to discover whether or not Measure Y funds were actually spent on American Canyon Middle School and has received various inconsistent responses. It should be noted that the Grand Jury was unable to determine whether or not those funds were expended on that school.

Members of the Oversight Committee were interviewed and indicated they had requested documents from the District and the District did not provide them. In addition, members were surprised to learn that, according to the District, the Oversight Committee is still in existence although there have been no meetings for over a year. It is a testament to the futility of this committee that most of its members believe it is disbanded.

B. Bid Process

One of the areas in which the Oversight Committee apparently had no input was in the selection of architects and consultants for the various school projects. The Grand Jury was told that NVUSD did not select the lowest bidder for architect services on each of the remodeling projects. For instance, in December 1996, NVUSD sent out a Request for Proposal (RFP) for architect services at Salvador Elementary School, Alta Heights Elementary School and Mt. George Elementary School for their modernization projects. The low bidder for all three sites was a local architect who was not selected for any of the projects. Instead the bids went to out-of-county architects.

	<u>Local Architect's Bid</u>	<u>Selected Bid</u>	<u>City of Selectee</u>
Salvador	\$30,596	\$38,725	Placerville
Alta Heights	\$71,816	\$93,500	San Francisco
Mt. George	\$34,702	\$54,500	Santa Rosa

The Grand Jury was advised that the selection of these architects was based upon the firm's experience in working with state requirements for public schools and their ability to accomplish this task within short timelines to ensure the District's receipt of state funds; however the criteria for sending the RFPs to each architect was those "architects known by reputation as being well qualified and experienced in the design and construction of public schools" and the local architect was a recipient of an RFP.

The Grand Jury is not suggesting that there was anything improper about the selection of these architects because there is no requirement that a School District accept the lowest bid when issuing RFPs involving architectural services. However, at least one of the members of the NVUSD Board of Trustees was not aware that there was a lower bid than that accepted by the District and would have raised an inquiry had that member been aware. It is clear that where there is an appearance of possible impropriety, it is most important that there be a system of checks and balances in place so that there is a reduced possibility for suspicion on the part of the citizenry. The Director of General Services and Facilities for NVUSD has agreed that it is advisable for members of any future oversight committee to be permitted to sit in on the selection process.

C. Compliance with Americans with Disabilities Act

The Grand Jury also directed its attention to NVUSD's compliance with the Americans with Disabilities Act ("ADA"). As mentioned above, nearly \$2.5 million dollars was budgeted for this expense out of the Measure Y funds. As school inspections were conducted, it became clear that non-conformance was quite common. NVUSD was questioned about this and responded that the schools were allocated funds for ADA compliance based on the size and complexity of the campus and that in some cases, the amount allocated did not cover the cost of the project.

NVUSD did produce a chart which listed the budgeted amount for each school for ADA compliance in amounts ranging from \$0 at Capell Valley and Carneros Elementary Schools to \$200,000 at Vintage High and New Tech High Schools. It is not clear how much money was actually expended from the budgeted amounts for this work. In addition, there is no indication that Proposition 1A monies were made available for this purpose.

D. Site Visits

As part of its investigation, members of the Grand Jury toured a number of local schools. Jurors were ordinarily accompanied by the principal or another representative and were able to discuss the facilities with administrators, teachers and parents. There is a great deal of concern and

interest among these parties with regard to the safety of the students and the availability of an atmosphere conducive to learning.

At every school, the committee reviewed the facility's past and current Fire and Life Safety Reports. At each school visited, there was no evidence that the previous Report had been addressed as the current Report listed the identical findings and violations and the school remained out of compliance. Some of the schools visited were in violation of OSHA requirements. Further, the committee noted that there are no smoke alarms or sprinkler systems in the schools, although there is no state requirement that such systems be in place in school buildings.

Carneros Elementary School

Grand Jury members visited Carneros Elementary School. Carneros has 201 students and eleven full-time instructors. The vast majority of students do not live within the boundaries of Carneros School's District.

The main bathrooms are marked for handicapped accessibility but are not accessible. They are also used for storage. Handicapped accessible bathrooms are located in a portable building. The plumbing doesn't work well. Water pressure is low. Toilets are stained with rust, apparently from very hard water. They also tend to get dirt in the pipes, causing them to back up. The custodian has filled out numerous work orders for this situation but apparently no permanent solution has been achieved.

The parking lot was recently repaved but it is not large enough to accommodate the number of cars and buses transporting children to and from school.

This school has a room into which all the students enter to receive their lunches. The Grand Jury was told that this room has asbestos tiles and that the students are instructed to not drag their feet in that room. This would disturb the loose cracked tiles and create a health hazard.

One of the rooms is a used portable classroom brought over from Vichy Elementary School. The air vents in this room are covered in very dark dust which started shooting out of the vents when it was hooked up. The staff is concerned about the air that the children were breathing in this room and believe that the air filters should be changed more frequently than they are.

The school needs repainting. Apparently ramp railings throughout the portable classrooms were painted last year but that paint is badly peeling everywhere.

There is a Quonset hut next to the classrooms in which the floor tiles are broken and the Grand Jury was asked to not kick up any dirt because the school had been warned of the asbestos. This hut is in very bad disrepair and should be replaced. The Grand Jury was also told that there had been rat problems but stray cats in the area had taken care of that problem.

Mt. George Elementary School

Members of the Grand Jury toured Mt. George Elementary School.

There is a newly remodeled school office for staff and teachers. The remodeling required removal of the area in which the school nurse treated sick children and there is no replacement space.

The handicapped parking space in the parking lot is not properly located. It is placed between two regular parking spaces. State law requires that no handicapped person using a designated parking space shall have to cross behind another automobile to access a facility. NVUSD was advised of this problem last year but has not taken any steps to resolve the violation of law.

A wheelchair elevator was installed in the auditorium but it has never been operable.

One of the exits from the main building opens out on a three-inch drop. Building codes do not permit this. Also, the steps are of different heights which is a further building code violation.

Building codes require that ramps be equipped with rails so that persons walking down the ramp can have something to hold onto for balance. Several locations at this school do not have the required rails. Moreover, those rails are supposed to end in a half-circle so that they do not pose an injury hazard. Rails at this school end without the half-circle and simply jut out.

Recently the school built new restroom facilities for teachers. However, one of them is used instead as a storage area. The bathrooms inside the main building are not handicapped accessible and it is necessary to walk down steps to enter the bathrooms. Wheelchair-bound individuals are unable to use these facilities. There are accessible bathrooms some distance from the main building.

There were loose ceiling tiles in classrooms.

The custodian is housed in a Quonset hut which has been declared unsafe due to asbestos. The Quonset hut is in disrepair.

Napa High School

Grand Jury members inspected Napa High School. The staff was pleasant, cooperative and knowledgeable. There are 2200 students, 60% Caucasian and 36% Hispanic. There are 167 instructors.

There are complaints of heating and air-conditioning not working. Complaints of frigid to very hot temperatures have been an ongoing problem which has not been remedied by the District.

The school has some electrical problems. One room has electricity on one side of the room only. The library has a wiring problem in that extension cords are necessary to use electric equipment.

Bathrooms for female teachers are in short supply. The Grand Jury was advised that there are often lines waiting to use the bathrooms. In addition, there are no locks on the bathroom doors. The girls' bathroom in the gym has a hanging stall door.

There was a complaint that telephones in the woodshop and the library are too far from the workstations.

Mold is a common complaint. Several teachers complained that they believed their health was being jeopardized by the mold.

Many of the newer modular classrooms have peeling paint. The trim was not properly primed.

One wing of the school has numerous roof leaks related to HVAC units and recent modernization. Now the faculty is waiting for the roof to be repaired again. The Grand Jury was advised that rain was literally dripping on students recently as they took their SAT examinations.

There is a noted frustration from the staff with respect to the lack of remedies for these problems. The Grand Jury was told that the maintenance department does not respond to work orders in a timely fashion, communication is poor and there is no notification when the requested repair work is completed. Staff also complained about the lack of respect for the academic environment at the school.

Phillips Edison Elementary School

Members of the Grand Jury visited Phillips Edison Partnership School. This school was selected for inspection because of positive publicity and academic achievement. Each classroom has student greeters who instantly arise when visitors arrive in the classroom and introduce themselves.

Although the scores are among the lowest in the county, testing shows that the school is meeting goals and advancing rapidly. There are 570 students in attendance.

One modular bathroom was locked and unusable. The interior was moldy and in disrepair. One of the classrooms had a water leak which had been investigated by NVUSD maintenance but not repaired.

The kitchen had friable asbestos floor tile and mold around the sink. The kitchen doubles as an office for the fitness and health teacher.

There is a handicapped elevator in the auditorium for raising wheelchair-bound children to the stage; however, it does not work properly.

The east boundary of the school is next to a small creek. A fence is in place to protect the children from the creek but the fence has been bent up at several locations and it is quite easy for a student to get under the fence. This is a major concern to the staff and parents.

Redwood Middle School

Members of the Grand Jury visited Redwood Middle School. There are 2200 students at this facility.

There appears to be good parent participation at this school. Staff and parents do a lot of work on their own. A local artist painted a facade for the front of the building at the Parents' Club's expense.

Lockers need to be replaced. Apparently the current lockers have been in use since 1956 and are in a state of disrepair.

The handicapped elevator to the stage was functional.

The Grand Jury was told that there was a problem with cleanliness after recent construction work. Apparently the contractor had not cleaned up after completion of the project.

The custodian's office is an old trailer with a hole in the window.

The stage wall needs to be painted. The custodian is not allowed to paint and NVUSD doesn't see it as a concern.

The Grand Jury was informed that NVUSD's maintenance department does not respond quickly to requests/work orders. There is a work order that has been outstanding for over a year without response.

There are leaks in the roof and work orders have been submitted.

Shearer Elementary School

Grand Jury members inspected Shearer Elementary School, another of the older NVUSD schools.

As opposed to other schools, Shearer is a depressing site. The hallways are dark, the classroom curtains were stained and loosely hanging, the atmosphere uninviting.

Roofing was completed prior to the use of Measure Y/Proposition IA monies. All heating, venting and air-conditioning has been completed. Technical infrastructure has been finished also.

The bathrooms are antiquated and those marked as handicapped accessible were not. There was a portable bathroom which was accessible to the handicapped but it was a distance from the main building. The Grand Jury was told that NVUSD ran out of money to modernize the bathrooms.

The playground area was new and inviting.

The library area seemed to just have been thrown together and the computer room appeared to be a large open closet next to the library area. A bookshelf separates the library from the hallway.

Silverado Middle School

Members of the Grand Jury toured Silverado Middle School. Silverado has a population of nearly 1000 students and approximately 60 teachers.

The roof leaks in one of the wings and paint is falling off the wall. The female staff bathrooms are portable bathrooms located outside of the school buildings. Several fire extinguishers were absent from the wall holders and some of the holders are broken.

Asbestos was found in three of the Quonset huts, two of which were open and accessible to anyone. Each of the three huts had friable tiles. It is also possible that the kitchen has asbestos tiles.

There is a possibility that the Quonset huts have lead-based paint which is particularly harmful to children. The Grand Jury was told that the paint had not been tested to determine whether or not it was lead-based. Although students do not ordinarily use these Quonset huts, it is possible to spread the lead-based paint via teachers or staff who might go to the hut, get paint chips

on their shoes and then carry these chips to other parts of the campus where they might be ingested by the children.

The female locker rooms had extensive mold around the showers and the lockers are rusted and broken. The male locker rooms had broken lockers and out-of-order urinals. The showers in the male locker rooms are unavailable to the students and are being used for storage.

There has been a long-standing problem with the sprinklers between A wing and the administration office in that the sprinklers come on every day even on weekends. Constant mud is a consequence.

There is mold on the overhang of A wing of which the NVUSD maintenance department was not aware. When advised of this situation, the Department did take a sample of the mold to have it analyzed.

The painting at the school is haphazard. The school wanted a mural saved on the Kennedy Hall stage but it was spray-painted. The painters left supplies when they finished the job and paint cans from the job remain behind the stage.

The parking lot is inadequate. It is small and congested as is the drop-off area. Additional space is needed for parking and picking up/dropping off students.

Snow Elementary School

Members of the Grand Jury toured Snow Elementary School. There are 350 students, 3 of whom are in wheelchairs.

The bathrooms are in excellent condition after having been remodeled in August 2000 and are all handicapped accessible.

All Measure Y and Proposition 1A work has been completed. The school is very clean and looks nearly new with bright hallways and classrooms. Each of the classrooms has an outside telephone line, even the portable classrooms.

There are no reported plumbing problems.

There is no lunchroom. The hallway is set up each day for a lunch space.

The primary concern appears to be with the landscaping. There are a lot of bushes in front of the school which need to be removed because the school is downhill from the road and is hard to see from the road. With the landscape

presently in place, it is hard to monitor the school so there are occasional break-ins and thefts.

Vichy Elementary School

Grand Jury members toured Vichy Elementary School. The staff was cooperative, pleasant and knowledgeable. Classrooms were brightly decorated and the school was clean. There is an active and participatory parent club. The new playground was provided by the parents' club, community service, Kiwanis Club and NVUSD and is attractive.

The primary bathrooms have not been updated. The Grand Jury was told that no remodeling had taken place because the school would have to make the restrooms compliant with the Americans with Disabilities Act which was apparently too costly.

One of the classrooms has a large brown leak mark on the ceiling.

The building needs to be painted.

A "ball wall" used by older students needs to be replaced. Although the parent club has the money for this project, it needs to be earthquake retrofitted which has delayed the project.

The multi-purpose room is newly painted with new floor tiles and ceiling. It serves as a lunchroom but can only hold about one-half of the students.

The staff is concerned that the lighting in the parking lot is inadequate for nighttime activities. This is a safety issue.

Westwood Elementary School (Napa Valley Language Academy)

Members of the Grand Jury toured Westwood School, now a charter school known as Napa Valley Language Academy. This school was built in 1947 and is one of the oldest schools in the District. It is an immersion school and must have an equal number of English/Spanish speaking students. Sixty-five percent (65%) of the school is Hispanic. There are approximately 600 students and 36 teachers. One student is in a wheelchair.

As a charter school, the Academy has a unique admission policy. Enrollment is open to all with preference given to siblings of current students. A five-year commitment is expected from the parents. There is an enrollment lottery.

Westwood was one of the first schools in the District to be retrofitted with air-conditioning and heating. Because of that, when Measure Y passed, the

school was placed at the bottom of the list with regard to upgrading technology and accessible bathrooms. During the summer of 2001, Measure Y technology infrastructure (cable wiring and conduit) was completed. However, the computers then in place are not compatible with the advanced technology and need to be upgraded. The architect hired by NVUSD for the remainder of the Measure Y renovation apparently was late with its plans and as a result further modernization and handicapped accessibility could not be completed. The school does not know when further monies will be available to complete the needed changes.

One of the primary concerns of the school was the lack of telephones in the classrooms. There is one phone with outside line capability for the 36 teachers and no private area in which to call parents, etc. There is no means of communication from the classroom to the outside although a teacher can call to the main office from the classroom.

There is also concern about the response time when a call for services is made to the NVUSD Maintenance Department. There was a work order that had been in since the previous school year which had not yet been addressed. The Grand Jury was told that emergency work requests are responded to within two or three days but routine requests take weeks to address.

The bathroom sinks and toilets are inappropriate in size for the older students. Plumbing is rusted. There was no hot water for washing. The bathrooms were not handicapped accessible as required by law. Bathrooms for the older students were unsanitary, unpainted and moldy.

There was insufficient office space. One of the offices was a converted closet. Not only are the rooms small but there is inadequate storage space so that the offices are cluttered with books and other materials. The school attempts to store things in two rusted Quonset huts which contained old desks, reams of paper, etc., much of it soggy and of little value. The roofs in the huts were decaying and the sky was visible from within. The Grand Jury was advised that rats had been seen in the vicinity and the huts smelled like a litter box.

In comparison, the school library was clean, bright, attractive and comfortable. While it is in its original building, it has been refurbished by state library funds. Library assistants are paid for by "stock options" provided by a parent. There are two instructional clerks and the library is able to remain open until 4 p.m.

PROCEDURES

The Grand Jury met with the following individuals:

Superintendent of Schools
Assistant Superintendent of Schools
Administrator of General Services
Members of the NVUSD School Board
Members of the Measure Y Oversight Committee

The Grand Jury also visited fourteen schools and interviewed principals, teachers, custodians and parents.

The Grand Jury reviewed a number of documents including:

Minutes of the Board of Education Meetings
School Accountability Report Cards
Capital Improvement Program Final Draft
Measure Y/Proposition 1A Summary Report
Measure Y Oversight Committee Interim Report
Evaluation 2001 Base Academic Performance
Construction Contracts
Fire and Life Safety Reports

FINDINGS AND RECOMMENDATIONS

Finding 1

The Measure Y Oversight Committee was designed as a committee without authority. Its Mission Statement admitted that its sole activity was to wait to see if the School District reported itself for violation of state law. The committee was so powerless that members no longer showed up for meetings and were surprised to learn that the committee had not been disbanded.

Recommendation 1

Oversight Committees are recommended for future bond measures. These committees must have more right to participate in bond projects, including the right to be present for interviews with architects/consultants/contractors, the right to review all documents and the prerogative to write their own Interim Report. Oversight Committee members should be appointed by the Napa County Board of Supervisors and/or city councils of schools within the District.

Response Requested from

Superintendent of Schools
Napa Valley Unified School District Board of Trustees

Finding 2

There are numerous violations of Health and Safety codes, building codes, the Americans with Disabilities Act, and continued non-compliance with annual Fire and Life Safety Reports.

Recommendation 2a

NVUSD should improve awareness of the condition of the schools. There are existing parent-teacher organizations at each school which should be encouraged to take a more active role in inspecting the school and reporting safety hazards or other substandard conditions to the District.

Response Requested from

Superintendent of Schools
Napa Valley Unified School District Board of Trustees

Recommendation 2b

NVUSD must find ways to provide adequate facilities for all of the students. The Board of Trustees should reorder its priorities in apportioning the limited funds it controls to improve the physical plant of the District.

Response Requested from

Superintendent of Schools
Napa Valley Unified School District Board of Trustees

Finding 3

Student drop-off areas are dangerous. One principal stated that drop-offs and pick-ups were the scariest parts the day. These areas are too small and not configured for modern traffic.

Recommendation 3

The drop-off areas must be reconfigured and enlarged. The schools have more than adequate acreage to accomplish this.

Response Requested from

Superintendent of Schools
Napa Valley Unified School District Board of Trustees
Napa Police Department
Napa County Sheriff's Department

Finding 4

School facilities are too small. Lunchrooms, teachers' meeting rooms and auditoriums are all inadequate for the present student population.

Recommendation 4

See Recommendation 2b.

Response Requested from

Superintendent of Schools
Napa Valley Unified School District Board of Trustees

Finding 5

There seems to be unwarranted delay in responding to and completing work orders from the schools to the District.

Recommendation 5

See Recommendation 4.

Response Requested from

Superintendent of Schools
Napa Valley Unified School District Board of Trustees

Finding 6

The District's maintenance department was not aware of a number of problems found by the Grand Jury during its site visits. When advised of the problems, the Department responded quickly and appropriately. The lack of knowledge of the conditions at some schools or perhaps the lack of concern is indicative of a breakdown in communications.

Recommendation 6

NVUSD should have further staffing and an employee whose primary duty is to conduct frequent school inspections and meet on a regular basis with school principals to inquire about conditions. This employee should also be knowledgeable about lead-based paint in the school buildings and the presence of asbestos.

Response Requested from

Superintendent of Schools
Napa Valley Unified School District Board of Trustees

PLANNING – NAPA COUNTY

The Grand Jury reviewed the operations of the Napa County Conservation, Development and Planning Department, from the time of the resignation of the previous planning director and the permanent appointment of the interim planning director March 2001 to March 2002.

SUMMARY OF FINDINGS

Finding 1

The Napa County Planning Director has undertaken a Herculean task to correct as serious a problem as Napa County has faced. He has replaced lost staff, reinstated process and made excellent progress. The County Executive Officer and the Board of Supervisor (while probably late) have given him the support and funds to do the job. The NCCDPD is once again a part of the team serving all of Napa County's residents.

Commendation

The Planning Director is commended by the Grand Jury for his leadership in the Department.

Finding 2

The Board of Supervisors is acting responsibly in refusing to allow housing on prime agricultural soils or in environmentally unacceptable locations.

Finding 3

The process of environmental review of projects with the potential of causing harmful erosion (in part, new vineyards and replants) should continue to be improved so that critics are comfortable that the process ensures protection of the environment and property owners are assured that there is a process. The recent agreement for the Suscol Springs Vineyard Conversion Project (March) between critics of the process, property owners, and the Department is a foundation for putting this problem behind the County.

BACKGROUND

In March 2001 the Napa County Planning Director resigned, having held the office for 14 years and was replaced by first an interim Planning Director on

March 27, 2001 and then a permanent Planning Director on June 12, 2001. When the outgoing Planning Director left the office:

1. There were a great number of applications for use permits on file, many of which were more than six months old and had not even had a planner assigned to process them.
2. There were a great number of applications for certificates of compliance which had been on file for more than two years, had not been acted upon, and were not being processed.
3. There were a great number of applications for lot line adjustments referred by the Department of Public Works which had not been acted upon and were not being processed.
4. There were 140 applications pending for agricultural erosion control plans which had not been acted upon, the majority of which had been pending for 12-24 months, and of which 41 were not even on the Planning Department's list. Very few were being processed.
5. There were 63 applications pending for structural erosion control plans which had not been acted upon, the majority of which had been pending for 12-18 months.
6. Before the change in Planning Directors, the Conservation, Development and Planning Department was divided into two divisions, Planning and Building Inspection. The Planning Division was authorized 13 Planning positions including the Deputy Planning Director, of which 4 were not filled. In April 2001, 2 planners terminated employment. In May 2001, the Deputy Planning Director announced his decision to retire effective August 3rd bringing the total number of vacant positions to be filled to 7. Of the 7 vacant positions, 6 were staff planners, which left 6 planners to do the work.
7. Napa County was in litigation over the adequacy of the Environmental Impact Report for the 1998 Airport Specific Plan. The County lost in the trial court and lost in the District Court of Appeal. The County was also in litigations with the Sierra Club over the alleged lack of environmental review of vineyards requiring Erosion Control permits.
8. There was a lack of co-operation between the Department and the rest of the departments of the County.
9. The morale of the Planning Department staff was poor.

The Napa County General Plan Housing Element does not comply with housing requirements established by the State Department of Housing and Community Development and its Councils of Government (in our case the Association of Bay Area Governments more commonly known as ABAG). The State Office of Planning and Research (more commonly known as OPR) lists the Napa County General Plan as "not comprehensively updated", which means that 5 of the 7 mandatory elements of the General Plan have not been updated in the last 10 years.

As of March 11, 2002, 12 months later, the Planning Division of the Conservation, Development and Planning Director was reorganized into two divisions, the Planning Division and the Conservation Division with the allocation of a new Deputy Planning Director position to head the Conservation Division. In addition, the Board approved the Planning Director's request to add two Principal Planner positions, and a Planning Tech position as part of Final Budget Actions in June 2001. All vacant position were subsequently filled by the end of 2001. The added position of Planning Technician now allows the public counter to be staffed for the entire business day, rather than the previous limitation of noon-5 p.m.

Perhaps the greatest problem facing the people of Napa County in generations is the conflict between two desirable goals, both recognized state wide and nationally. One is the preservation of prime agricultural lands and the other is the zoning for, and construction of, housing. Both goals must be met in an environmentally satisfactory manner. The Housing Element of the Napa County General Plan is inadequate and cannot be made adequate without jeopardizing prime agricultural lands. The Board of Supervisors and the City Councils of the City of Napa and the City of American Canyon know the problem and have told the public they intend to deal with the problem. If they do not, they will subject the County (and its taxpayers which are mostly residents of the Cities) to litigation which the County cannot win, and to sanctions from the State of California which will work to the detriment of all of Napa County's citizens.

Napa County must meet its share of California's housing need. Napa County must preserve its prime agricultural lands and protect the environment. Lands that are not prime agricultural lands need to be annexed to the City of Napa and the City of American Canyon for housing. State legislation is needed to allow Napa County credit for past and future annexations for housing to the City of American Canyon and future annexations to the City of Napa. The County should be looked at by the State as "one" with its cities and not as an entity required to provide housing.

Another serious problem facing the people of Napa County is the planting of new vineyards only after compliance with the California Environmental

Quality Act. The Conservation, Development and Planning Department, the Conservation, Development and Planning Commission and the Board of Supervisors need to identify which new plantings are entitled to categorical exemptions, which are entitled to negative declarations or mitigated negative declarations, and which will be required to prepare environmental impact reports. Critics of previous County activities need to be satisfied with the process.

PROCEDURES

The Grand Jury committees interviewed the Planning Director, planners, Napa County Supervisors, Napa City Council members and staff, City of American Canyon Council members and staff, and applicants for use permits, certificates of compliance, lot line adjustments, structural erosion control plans, and agricultural erosion control plans.

Finding 1

The Napa County Planning Director has undertaken a Herculean task to correct as serious problem as Napa County has faced. He has replaced lost staff, reinstated process and made excellent progress. The County Executive Officer and the Board of Supervisor (while probably late) have given him the support and funds to do the job. The NCCDPD is once again a part of the team serving all of Napa County's residents.

Commendation

The Planning Director is commended by the Grand Jury for his leadership in the Department.

Finding 2

The Board of Supervisors is acting responsibly in refusing to allow housing on prime agricultural soils or in environmentally unacceptable locations.

Recommendation 2

The Board of Supervisors must subordinate past differences with the Cities and direct staff to come up with a housing solution that is reasonable and avoids State imposed sanctions. The Board should enlist the assistance of its representatives in the State Assembly and State Senate with legislation that enables the County to comply with State housing requirements and preserves prime agricultural lands.

Response Requested From

Napa County Board of Supervisors
City Council City of American Canyon
City Council City of Napa

Finding 3

The process of environmental review of projects with the potential of causing harmful erosion (in part, new vineyards and replants) should continue to be improved so that critics are comfortable that the process ensures protection of the environment and property owners are assured that there is a process. The recent agreement for the Suscol Springs Vineyard Conversion Project (March) between critics of the process, property owners, and the Department is a foundation for putting this problem behind the County.

Recommendation

The Department should continue to attempt to build a process that is satisfactory to both critics and property owners and protects the environment from projects with the potential for harmful erosion.

Response Requested From

Napa County Conservation Development
County Planning Department and Commission

SPECIAL NEEDS HOUSING

EXECUTIVE SUMMARY

The committee on Special Needs Housing investigated the extent of homelessness in Napa County and the response of various City of Napa, County of Napa and non-profit agencies to the problem. The investigation led to an examination of the county's Continuum of Care organization. This group is made up of local government and non-profit agencies who deal with homelessness by planning strategies and helping to decide where grant monies would best be used.

The committee also visited all of the major homeless shelters in Napa County. Of primary concern was the adequacy of the shelters in housing the large number of homeless persons.

The effects of homelessness on Napa's social services as well as emergency services were considered. The committee is aware that many of the identified homeless population are homeless by choice rather than by circumstance and that efforts made on their behalf may well prove fruitless. However, the committee believes that efforts to rehabilitate this population and assimilate them back into the community are, overall, necessary and worthwhile.

The availability of low-cost housing as a resolution to homelessness led to review of the City of Napa's current housing element.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

1. The Sullivan Shelter must be replaced. Fulfillment of Napa's Master Plan will require moving the downtown single adult shelter which is presently using a condemned county building. The replacement of this shelter with a larger permanent shelter is priority #1.
2. The Family Shelter (Samaritan House) on Old Sonoma Road will accommodate seven (7) families at a time. Many families with children on the waiting list for Samaritan House are housed in local motels at taxpayers' expense. The expansion of Samaritan Shelter, or the development of additional family shelters, is priority #2.
3. The winter homeless shelter located on the grounds of the former California Department of Forestry (CDF) facility on Jefferson Street is no longer available because a senior housing project is slated to be built on that site. A new site needs to be located for the winter shelter

prior to the onset of cold weather in 2002. The appropriate city/county agencies should set aside sufficient funds to qualify for state/federal matching funds.

Commendations

The Grand Jury commends the steering committee of the 2001 Napa City Housing Element for the excellent work they did in producing a comprehensive and socially supportive document.

The Grand Jury also commends the individual efforts by members of the Continuum of Care for their ongoing work to resolve homelessness in Napa County.

BACKGROUND

The 2001-2002 Grand Jury formed a committee to investigate special needs housing. "Special needs" is meant to encompass those individuals who have pre-existing difficulties or circumstances that would make finding affordable housing an even more daunting task than the average citizen already faces.

The committee took into consideration:

- Housing needs for seniors living on a low fixed income.
- Persons with mental and physical disabilities.
- Those who are terminally ill with no certain residence.
- Physically abused women (with or without children) who have given up residences to gain safety.
- Runaway youth.
- Persons released from mental health facilities or jail without living arrangements.
- Persons awaiting admittance to the Veterans Home; and
- Those unable to care for themselves because of drug and alcohol problems.

Napa County provides a spectrum of services from emergency shelters through transitional housing to permanent supported housing. These services are provided within a continuum of care system under the umbrella of local government agencies, nonprofit organizations, and faith-based groups. The dedication of individuals involved in these efforts cannot be overstated, and they are a credit to our community. Their selfless contributions to humanity are worthy of emulation. Special Needs Housing and related services represent ongoing concerns that cannot be addressed without concerted community

interest and action. It is in that spirit that findings and recommendations are made.

After much discussion and several interviews the committee decided to narrow the scope of its investigation to the single largest group of individuals needing Specialized Housing - the Homeless.

There are hundreds of homeless in the Napa Valley. Some sources estimate 800 plus. The Napa Police Department has a listing of 563 homeless within the Napa city limits alone, and their number does not include those in shelters or those without police contact. It is critical to bear in mind that these statistics represent a daily estimate and the actual number of homeless on an annual basis are presumed to be significantly larger.

Causes of Homelessness:

The causes of homelessness are as varied as the homeless people themselves. The two leading causes however are a shortage of affordable rental housing and an increase in poverty. In recent years the rents have gone up, public assistance has gone down (1996 welfare reform), and the minimum wage continues to be insufficient. A person making minimum wage in Napa would need to work 80 hours a week, and pay half of their monthly income to rent a one bedroom house. A disabled person on SSI cannot rent either an apartment or a house without help. It was a shock to the Grand Jury to learn that 60% of those living in Sullivan and Samaritan shelters are employed but unable to earn enough money to afford shelter.

In addition, since September 11 and the economic downturn, there were, as of the time this report was written, 24 (twenty-four) families staying in motels after losing their housing. Napa County's Health and Human Services pays for these motel beds. According to that agency, 90% of its General Assistance budget (over \$400,000) is spent for temporary lodging in motels and one-time grants to persons seeking shelter.

Mental Illness is another contributing factor, as 25% to 30% of the homeless have some form of persistent mental illness. The majority of these people can successfully function in society with supportive housing.

Domestic Violence is another leading cause of putting mothers and their children on the streets. According to Napa Emergency Women's Shelter, 150 were guests at NEWS in 2001. One hundred of these were children. Many women choose homelessness over living in an abusive relationship.

Drug and Alcohol Abuse is certainly a symptom, as well as a cause of homelessness. As will be detailed further, substance abusers are a major cause of police activity among this population. Notwithstanding the high incidence of drug and alcohol use among the homeless, only a small minority of anti-social homeless prefer the street life over shelter and treatment. In many cases some individuals didn't use drugs until introduced to them on the streets.

The City of Napa has responded to this homelessness crisis by agreeing to continue to provide funds for existing organizations which provide shelter for the homeless, and further to assist in the acquisition of existing facilities that can be converted to expand emergency shelters for homeless families and single persons with special needs. The City's objective is to expand existing shelters including acquisition of site and construction of permanent shelter through Community Development Block Grant monies with a five-year goal of permanent emergency shelters for 35 single men, 20 women and 20 families. Given the apparent need for shelter, these numbers may be quite inadequate by the time the five years have run.

Continuum of Care

The Continuum of Care refers to a community-wide assessment of homeless needs, existing resources to meet those needs and strategies to help the homeless which the federal Department of Housing and Urban Development requires that local communities conduct in order to compete for HUD funds.

In order for our community to assist the Nonprofit Community access Federal and State funds for Special Needs Housing, the community needs to provide sufficient funds to fund grant writers who possess the necessary skill and knowledge to understand matching requirements for these funds.

In part, the Continuum of Care is comprised of a number of separate non-profit agencies that provide housing and services to very low income residents. These agencies receive Community Development Block Grants from the Department of Housing and Urban Development by way of contracts with the Napa County Department of Health and Human Services.

One of the ongoing projects is identification of the homeless population most in need of expanded services in Napa. A specific project identified the chronic homeless, as well as those with mental illness and/or drug and alcohol issues. That process identified three services that were needed to address the problems of this group: 1) expanded outreach; 2) a day resource center; and 3) detox/residential treatment. An outreach worker was hired, the HOPE Resource Center opened in October of 2001 and a Detox/Residential Center will open around May 1, 2002.

Napa Valley Coalition of Non-Profit Agencies

Napa County is fortunate to have a number of non-profit agencies which are focused on the needs of the population which is homeless or at risk for homelessness. The Napa Valley Coalition of Non-Profit Agencies was formed as a merger of several topical working groups. This broad-based organization includes most of the County's nonprofits and local government bodies concerned with homelessness, affordable housing, and poverty issues, and has been a highly effective leadership body in catalyzing community action to meet pressing human needs. One of the more effective is Community Action Napa Valley (CANV) which operates several shelters.

Community Action Napa Valley

The general homeless facility, known as the Sullivan Shelter, is located in downtown Napa. It is a large, somewhat dilapidated building in need of repair. The shelter has 38 beds and it is almost always full, with a waiting list for those who arrive when it is full. Napa County residents have priority over non-residents. The maximum stay at this shelter is 28 days at one time, with a maximum of 84 days in a 12-month period. This shelter opens at 5:30 p.m. and is little more than a place to sleep. It is open all day on Sundays year-round, and on Saturdays during the cold and wet months. There are showers, a telephone and modest kitchen facilities. At the time of the grand jury's visit to the Sullivan Shelter, it was apparent that the guests of that facility had a good rapport with the staff. This was not a depressed group, although the surroundings are somewhat cheerless. The interior is little more than a number of beds, each in close proximity to the next. There is no privacy nor much room to store possessions. It is somewhat similar to military barracks without the spit-shine cleanliness and uniformity. The persons availing themselves of the use of this facility must be drug and alcohol free and are required to be taking steps to become self-sufficient and obtain their own shelter. It was sobering to discover that many working people in Napa County are unable to afford a place to live.

Staff at the Sullivan Shelter are trained to coach the population toward self-sufficiency by helping them identify barriers to employment and housing and assisting them in developing a plan to address those barriers. A Housing Counselor works actively to assist the clients in finding transitional and permanent housing. Those in drug and alcohol programs are given support to continue their programs.

The grand jury has been advised that this shelter space, which is owned by the County, will be closing soon because the County has other plans for the space. It is an extremely high priority of this grand jury that a replacement facility be found and dedicated to this population. Due to the existing need, it

is recommended that the replacement facility be able to accommodate at least double the number that are currently served.

In addition to the Sullivan Shelter, CANV also manages a shelter for homeless families, known as the Samaritan Family Center. This facility stands in stark contrast to Sullivan, best illustrated by the design. Samaritan can house up to seven families at a time; there are seven large bedrooms with modest amenities. However, the remainder of the shelter is all common area, including a large kitchen with several stoves, refrigerators and sinks, a common dining area, common sitting rooms and a large, comfortable area with several computer terminals. Unlike the Sullivan Shelter, the Samaritan is open all day long and is staffed continuously. Upon entry into this program, guests are required to agree to a plan for self-sufficiency and they are monitored to assure compliance. One of the means by which the guests learn to fend for themselves is by depositing 60% of their income into a fund which they will then use to put down on rent and a deposit after their stay at the shelter terminates. A family can stay at this shelter for up to three months. There is a long waiting list for admittance and the majority of those families waiting are housed in local motels as Napa County has a policy that no child shall be without shelter. Of course, this results in a substantial cost to the county on an annual basis.

In addition, there is a homeless shelter for use in the wintertime for those persons who don't wish to use, or are barred from, the Sullivan shelter. This shelter is located at the site of the old California Department of Forestry facilities on Jefferson Street and is for persons eighteen years and older. It exists as a last resort for those in danger of sleeping in the freezing weather and it also serves as a shelter for the overflow from a full Sullivan shelter. The rules regarding active use of drugs and/or alcohol are not as rigidly enforced. This site will be unavailable and a new shelter needs to be arranged before next winter comes.

Newly opened this year is a facility known as the HOPE Resource Center which is a block away from the Sullivan Shelter. HOPE Center is a day facility for the homeless which provides showers, phones, mail service, laundry and similar services. The targeted population is the chronic street homeless, many of whom are mentally ill or have drug/alcohol problems; however it is available to any homeless adult including those at the shelters if they choose to avail themselves of the services. The site also provides medical services, legal aid, mental health programs and job development. It is located on the grounds of a church and is fully staffed. This facility is intended to supplement the Sullivan Shelter and provide those in need of shelter with additional means to achieve self-sufficiency. The staff is trained to assist those persons who have outstanding minor arrest warrants which need to be cleared so that they can find gainful employment. Persons with more serious warrants for crimes against persons and property, etc., are refused admission and HOPE Center

advises law enforcement of their presence in the community. There are also several computer terminals at which the clients can get information about employment and training opportunities. This facility is a bright and cheerful place and is a welcome addition to the homeless services programs.

HOPE Resource Center was opened in October of 2001 and by December the daily attendance had more than doubled. During that three-month period employment was found for over fifty homeless people and many individuals were enrolled into mental health, day treatment or residential treatment. HOPE Center holds great promise for the community in recruiting the homeless and reconnecting them with society.

Napa Emergency Women's Services (NEWS)

Napa Emergency Women's Services (NEWS) operates a women's shelter specifically for victims of domestic violence. Its facility can house six families with a maximum capacity of sixteen. In 2001, approximately 150 clients used the NEWS shelter of which 100 were children. The average stay is thirty to sixty days. The greatest need of those persons exiting the NEWS shelter is, as with all other shelter graduates, affordable housing.

Hospice of Napa Valley

Hospice of Napa Valley is a fully licensed and certified nonprofit organization that has been serving our community since 1979. Hospice is designed to serve the terminally ill and their families, provide comprehensive services to meet individual patient needs and up to 13 months of bereavement counseling to families after the death of their loved ones. They have no current in patient facility, but a housing component is planned for their proposed new facility which will accommodate 12 patients. Patients are referred by an attending physician to hospice and services by registered nurses, social workers, home health aides, chaplains, bereavement counselors and volunteers are provided to meet the physical and emotional needs of the patient and family. In 2001, 413 patients were served by Hospice of Napa Valley. Hospice services are paid for by Medicare, Med-Cal, private insurance, grants and charitable contributions. No one is denied care because of inability to pay or lack of insurance. Patients served span the spectrum from the very young to the elderly.

Hospice of Napa Valley received national recognition in 2001. The Circle of Life Awards Committee awarded a Citation of Honor for their innovation and commitment to end-of-life care. More than 100 organizations were evaluated, but only nine programs were honored. Also, the Napa Chamber of Commerce named the Executive Director of Hospice of Napa Valley, Sarah Gorodezky, its Health Professional of the Year for 2001.

Senior Housing Project

A 78-unit housing project for low income seniors is projected for 2003 at the site of the former California Department of Forestry (CDF) facility on Jefferson Street. There will be 1 two-bedroom unit for an on-site manager, and 77 one-bedroom units for other tenants. Clients cannot have an income greater than \$20,000 dollars per year (from all sources) and will pay no more than 30% of their income for rent. Napa Valley Community Housing, an independent non-profit agency, is the lead agency for this endeavor. The cost for this project is expected to exceed 11 million dollars and includes federal, state and local funds.

Skyline Project

The Progress Foundation is the lead agency for the 19 unit housing project which will serve disabled individuals. The 13 one-bedroom and 6 two-bedroom units will be located on state property adjacent to but outside the Napa State Hospital perimeter. These housing units will enable clients to function on an independent basis within our community. The Skyline Project is being paid for by a grant from Housing and Urban Development (HUD) and local Housing Trust Fund dollars. Construction will probably begin in the fall of 2002.

Napa Valley Residential Stabilization Center

As mentioned earlier, one of the root causes of homelessness is substance abuse. For some time, Napa County has been without a detoxification center which would allow abusers a place to withdraw from alcohol and drugs. The Napa County Drug and Alcohol Committee determined that most people in Napa County who need detoxification and short-term residential substance abuse treatment services cannot get them. In a study conducted by the Health and Human Services Department, it was noted that hundreds of people are booked into the Napa County Jail because they are under the influence of drugs and/or alcohol. Local hospital emergency rooms are frequently called upon to treat people dealing with substance abuse problems for which no treatment alternatives are available. The Emergency Psychiatric Response Unit at Napa County Health & Human Services regularly assesses people who are suffering from problems associated with alcoholism and drug addiction. Local outpatient treatment programs, such as Nuestra Esperanza, and Health & Human Services' two outpatient facilities found that new clients often failed to maintain a clean and sober lifestyle because they are unable to refrain from use and stabilize their lives when receiving treatment on an outpatient basis. Thus, the idea of establishing a "stabilization center" was born.

County officials and community leaders determined that Napa County has a growing problem of chronic homelessness. A study conducted by a task force of community representatives, service providers, and government officials concluded that a program should be established in Napa County to provide local individuals with a facility for residential detoxification services. A range of services will be provided, including varying program lengths and specific services based upon individual need. A "step-down" program will be offered, including inpatient care with follow-up and aftercare provided on an evening and weekend basis for those re-entering the workforce. It was decided to create the Napa Valley Residential Stabilization Center, a residential facility for adults suffering from serious chemical dependency. After discussion, it was determined that Community Action Napa Valley (Nuestra Esperanza) would be the lead agency, and partner with Our Family, Inc., which has offered drug and alcohol residential treatment services in Napa County for adults and adolescents for over 30 years. Thus, creating a culturally sensitive, professionally managed three-track residential facility.

The center will offer three distinct, but closely coordinated services. First, a ten-bed short-term detoxification track for those persons needing close supervision and monitoring during the brief period that they are undergoing physical withdrawal from substance abuse. This is a critical time and requires 24-hour supervision with regular checks by qualified, professional staff. It is anticipated that the average length of stay in the detoxification unit will be two to seven days. Second, a ten-bed, short-term residential treatment program will be offered to those persons unable to stay sober without a period of intensive, structured, residential treatment. This service will be operated by Our Family, Inc. Services in this unit will be provided in English, however Spanish speaking clients will also be able to participate because of the close collaboration with CANV's Nuestra Esperanza which will operate the detoxification program and the third service element, a ten-bed, short-term residential program for Spanish speaking people.

It is estimated that the program will serve a minimum of 500 persons per year in the residential detoxification track, 120 persons per year in the 30 day, short-term track, and 40 persons per year in the Spanish language stabilization track. The center will be situated on the grounds of Napa State Hospital. A facility has been identified, renovated and will be leased to the County of Napa which will in turn contract with Community Action Napa Valley (CANV) and Our Family, Inc. for operation of the program. Monies to operate this project have been allocated by Napa County and the Wine Auction. A first year operating budget is being prepared at this time and it is estimated that it will cost over one million dollars to start and operate this program in the first year.

It is anticipated that the Stabilization Center will be opened this year. The building has been renovated, the program is being developed, staff is being

recruited, and preparation is underway to have it licensed and certified by the State of California. This is an example of collaboration between county officials, agency representatives, Napa State Hospital leadership and the professional community.

Napa Police Department

The Napa Police Department also has a keen interest in homelessness. For the last two years, they have been keeping statistics and monitoring the number of service calls for homeless-related problems. The Department has striven to recognize the efforts being made by other organizations to help the homeless while at the same time providing a strong law enforcement presence when the need arises. They have developed a strategic plan which covers the areas of outreach, enforcement, interagency communication and the collection of research data.

According to the Napa Police Department, four persons identified as homeless died during 2001, two of whom died of illness (diabetes and hepatitis) after being placed in nursing homes, one of multiple drug ingestion and one of a heart attack.

The Department also noted a number of serious crimes attributable to individuals in the homeless population, primarily property crimes, as well as crimes against the homeless. According to the 2001 report, there were 1,939 calls for service last year for incidents involving the homeless, an increase of slightly over 20% from the previous year. These calls for service resulted in 333 arrests (a 6.7% increase) and 62 citations (about 40% less than the previous year). Citations for drinking, trespass and camping decreased significantly from 2000 to 2001.

The Department also kept statistical information on the demographics of the homeless population, indicating that 87% of the homeless population are white, with 65% being white males. According to this report, there were 563 homeless people in Napa in 2001. The statistics compiled also revealed that the age range for the homeless was as low as 13 years of age (a runaway female from another state) to an 87-year-old man.

It was clear from the summary provided by the police report that drug and alcohol use, together with mental health problems, abound among the homeless. The report identified 169 homeless people who suffer from mental illness but found that the majority is capable of caring for themselves and have relatively minor problems. The problems in this population arise when they stop taking their prescription medication. It was clear from the report that most calls for service are generated by a small sample of the homeless. The NPD report singled out four individuals with mental health problems who were, by themselves, responsible for 120 calls for service. Similarly, a small number

of individuals who were identified as alcohol dependent were also found responsible for a disproportionate number of calls for police assistance.

Napa Police Department has also prepared a lengthy list of "camps" established by the homeless within the city limits. The list includes nearly all of the bridges in town, other areas along the Napa River, and abandoned houses and buildings. The report noted that an increasing number of the homeless are now living in cars, trailers and motor homes. NPD estimates that, at minimum, there are 37 of these vehicles being used for shelter by the homeless at this time. In addition, there is a local ministry which provides vehicles, including motorhomes, to people being released from prison in the belief that recidivism rates will be reduced if a former inmate obtains shelter. The vehicles are provided as transportation as well as sleeping quarters. Many of these vehicles park on private property requiring police involvement to get them removed. In particular, those businesses with large parking lots are requesting police interference to have the vehicles removed.

The Department appears to work well with the Homeless Outreach Coordinator employed by Progress Foundation. The Coordinator meets with or communicates with police on a near daily basis to coordinate the efforts of law enforcement and the various agencies devoted to assistance for the homeless.

The officers of the Napa Police Department deserve admiration and appreciation for their efforts in helping the homeless community of Napa.

According to the Continuum of Care report, as well as the 2001 Napa City Housing Element, there is a total of 260 to 273 beds for the homeless in Napa. Altogether it is estimated that upwards of five hundred persons are without shelter and sleep outdoors or in vehicles.

PROCEDURES

The committee on Special Needs Housing met with the following individuals:

- A former Director of Napa County Health and Human Services
- The present Director of Napa County Health and Human Services
- The Executive Director of Community Action of Napa Valley
- The Executive Director of Napa Housing Authority
- The Clinical Director of Progress Foundation
- The Outreach Worker from Progress Foundation
- Representatives of Catholic Charities
- An Outreach Minister from the Seventh Day Adventist Church
- Representatives of Family Services of the North Bay
- Napa's Police Chief
- A sergeant from the Napa Police Department

Representatives of Napa Shelter Project
A representative of HomeBase

Members of the committee on Special Needs Housing visited the following establishments:

The Sullivan Shelter
The Samaritan Shelter
The Winter Shelter
Hope Center
Hospice of Napa Valley
Continuum of Care committee meeting

The committee reviewed the following documents:

The "Continuum of Care" report
The "Napa City Housing Element" report
Napa Police Department report

FINDINGS AND RECOMMENDATIONS

Finding 1

The current economy is placing ever more individuals and families at risk of losing their shelter. Without some intervention, the rolls of the homeless may significantly increase.

Recommendation 1

Redouble efforts to prevent families and individuals from losing housing. Sustain and increase funding for the Rental Assistance Program and continue landlord-tenant mediation. Publish more widely the hotline phone number for those in immediate danger of losing shelter.

Response Requested From

Napa County Health and Human Services
Napa City Council
Napa County Board of Supervisors
Napa Housing Authority

Finding 2

The City of Napa has established an objective to provide permanent emergency shelters for 35 single men, 20 single women and 20 families.

Recommendation 2

The current numbers of homeless individuals and families exceed the City of Napa's five-year goal for permanent emergency shelters and a review of this projection should be undertaken.

Response Requested From

Napa County Health and Human Services
Napa City Council

Finding 3

The Sullivan Shelter is slated for imminent closure and needs to be replaced immediately.

Recommendation 3:

A replacement facility for the Sullivan Shelter needs to be located. The new shelter should provide space for at least twice the number currently able to be housed at the Sullivan building. The appropriate city/county agencies should set aside sufficient funds to qualify for state/federal matching funds.

Response Requested From

Napa County Health and Human Services
Napa City Council
Napa County Board of Supervisors

Finding 4

The winter homeless shelter located on the grounds of the former California Department of Forestry (CDF) facility on Jefferson Street is no longer available because a senior housing project is slated to be built on that site.

Recommendation 4

A new site needs to be located for the winter shelter prior to the onset of inclement weather in 2002. The appropriate city/county agencies should set aside sufficient funds to qualify for state/federal matching funds.

Response Requested From

Napa County Health and Human Services
Napa City Council
Napa County Board of Supervisors

Finding 5

A significant amount of General Assistance money (over \$400,000) is spent on temporary lodging for homeless individuals and families each year.

Recommendation 5

The money expended for temporary lodging of homeless individuals and families might be better spent on the expansion of existing facilities and the lease/purchase of more permanent facilities. Napa County should explore the possibility of site control either through long term leases or real estate acquisition.

Response Requested From

Napa County Health and Human Services
Napa City Council
Napa County Board of Supervisors

Finding 6

A number of homeless individuals prefer their street existence and refuse to participate in shelter and treatment programs. Some of these individuals are involved in criminal behavior directed against our community.

Recommendation 6

Many homeless individuals refusing shelter or treatment still require assistance in obtaining basic food and clothing needs. However, if their lifestyle choice includes criminal activities, our community should be protected from these individuals. County services should be designed to help support their basic needs while also providing for the safety and rights of the rest of our community.

Response Requested From

Napa County Health and Human Services
Napa Police Department

Finding 7

The committee noted that there is available grant monies on both the state and federal level which is not being obtained by Napa County agencies, both public and non-profit. Substantial sums may be acquired by the county to address the needs of the homeless population which could substantially

ameliorate the problem. It appears that there is a lack of persons with the knowledge and aptitude required to apply for these specific grants.

Recommendation 7

Health and Human Services should ensure that at least one employee has sufficient training and experience in grant-writing to be able to assist the various members of the Continuum of Care in order to facilitate the receipt of additional grant monies to fund the necessary projects.

Response Requested From

Napa County Health and Human Services
Napa City Council
Napa County Board of Supervisors

Finding 8

There is an ongoing problem with the homeless which requires several man-hours of city police involvement each month. Private property owners are requiring police assistance in evicting mobilehomes from their parking lots.

Recommendation 8

County and City agencies should undertake an investigation into the possibility of setting aside some public land where the homeless could legally park their vehicles overnight, together with the provision of rudimentary services such as bathroom facilities.

Response Requested From

Napa County Health and Human Services
Napa City Council
Napa County Board of Supervisors
Napa Police Department

CITIZEN COMPLAINTS TO THE GRAND JURY

GENERAL

When the Grand Jury Final Report is published, a Citizen Complaint form is included with it. Every year the Grand Jury receives several completed forms and also complaint letters that describe problems and may request investigations of various government entities. These letters are a valuable source of information for a grand jury, particularly as it begins its term and is deciding on its investigative agenda.

PROCEDURES

In the case of the 2001-2002 Grand Jury, such letters and citizen complaints were considered initially by the full Grand Jury and then, if the Jury decided it was warranted, either routed to the Grand Jury committees that were investigating related subject areas or a new committee was formed to review the matter.

Some complaints were integrated into the investigative work of the various Grand Jury committees. The investigating body reported back with a recommendation for disposition, which was then decided upon by the full Jury. The complaint topics were often addressed, either directly or indirectly, in individual agency findings and recommendations incorporated in the Grand Jury Final Report.

Some complaints and the issues they raised were judged to not fall under the jurisdiction of the Grand Jury. All citizen complaints receive a response from the Grand Jury as to what disposition was decided upon by the whole Grand Jury.

CITIZEN COMPLAINT FORM

Note: all matters brought before the Grand Jury are required by law to be kept confidential.

Date _____

**Napa County Grand Jury
P.O. Box 5397
Napa, CA 94581**

Dear Members of the Grand Jury,

I wish to bring the following to your attention:

Sincerely,

Name: _____

Street: _____

City: _____

Phone: _____

Note: Name, Address, and Phone Number are not required, but may be helpful in the Grand Jury

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT

1800 THIRD STREET, Room 430
P.O. BOX 952053
SACRAMENTO, CA 94252-2053
(916) 323-3176 FAX (916) 323-6625

**RECEIVED**

October 26, 1992

NOV 2 - 1992

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT

Mr. Jay Hull
County Administrator
County of Napa
1195 Third Street, Room 310
Napa, California 94559

Dear Mr. Hull:

RE: Review of Napa County's Adopted Resolution Pursuant to
Chapter 1451, Statutes of 1989

Thank you for submitting Napa County's adopted Resolution 92-118 regarding assisted housing at risk of converting to non-low-income uses. The resolution was adopted on September 22, 1992 and received for our review on September 28, 1992.

We have reviewed the adopted resolution and Exhibit A which establish that there is no housing with low-income use restrictions eligible for conversion within the next ten years located within Napa County. We are pleased to find that the resolution satisfies the requirements relating to Chapter 1451, Statutes of 1989 and, therefore, complies with state housing element law.

However, as you know, our housing element review letter of July 5, 1991 (copy enclosed) finding the County's adopted element in compliance with state housing element law was contingent on the County's commitment to provide adequate sites to accommodate its share of the regional housing need for all income levels by May 1, 1992. The element committed the County to provide adequate sites for its remaining regional housing need through the implementation of policy 5.9, to rezone 26.5 acres of P-D zoned land to R-M zoning by May 1, 1992, and the implementation of an inclusionary program by December 31, 1991. Our letter stated that if these proposed actions were not implemented by these dates, and the County did not provide alternative sites or programs, the County's housing element would no longer comply with the adequate sites requirement of housing element law (Government Code Section 65583(c)(1)).

Mr. Michael Miller, Deputy Planning Director, informed us in an October 14, 1992 telephone conversation that the County has not yet completed either the rezoning nor the adoption of the inclusionary ordinance. Mr. Miller stated that the proposed inclusionary ordinance is slated to go to the County Planning Commission for action in mid-November 1992 and the Board of Supervisors could act on the ordinance by the end of the year. Mr. Miller also stated that although the County has no current plans to do any rezoning, the County will be evaluating areas of the County for potential high density zoning. It is our understanding that the rezoning of the 26.5 acres is no longer possible due to their inclusion within the new City of American Canyon. The County's failure to implement housing element policy 5.9 or adopt the inclusionary ordinance in a timely manner leaves the County with a shortfall of adequate sites for all income levels; therefore, the County no longer has a housing element that complies with state housing element law (Government Code Section 10.6).

Mr. Miller and Mr. David Dickson, Community Partnership Manager, stated in telephone conversations during February 1992 that the County intended to enter into negotiations with the City of American Canyon to determine what, if any, portion of the County's regional share allocation would be assumed by the new City of American Canyon. Mr. Miller informed us on October 14, 1992 that no discussions had taken place because the City of American Canyon "has no planning capability."

Unless the County can execute a timely transfer of its remaining share of the regional housing needs determination through an agreement with the City of American Canyon pursuant to Chapter 1441, Statutes of 1991 (see the attached enclosure), the County should implement programs to identify adequate sites. Such a program should include rezoning sufficient acreage at densities appropriate to accommodate its regional share need for all income levels. If the County decides to proceed with an agreement pursuant to Chapter 1441, we suggest that the County consider the suggestions of the Association of Bay Area Governments (ABAG) for apportioning the regional share between the County and the City of American Canyon. If an agreement is finalized, the element should be amended to reflect this change.

In order to assist local governments in implementing their housing programs, this Department will be allocating funds from the HOME Investment Partnership Program (HOME), one of the new federal housing programs created by the 1990 National Affordable Housing Act. Local governments can use HOME funds to expand the resources available for housing rehabilitation, acquisition of

Mr. Jay Hull
Page 3

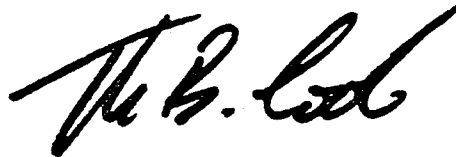
land and structures, tenant based rental assistance and under certain circumstances, new construction. As you are aware, Napa County is an eligible applicant for HOME funds.

This Department's draft HOME program regulations include housing element status as a rating factor in the competitive application process for HOME funds. Jurisdictions with an adopted housing element in compliance with state housing element law, as determined by this Department on or before December 7, 1992 will receive significant extra points if their application has met the threshold criteria. Points will be awarded to jurisdictions with an adopted housing element in compliance on or before the date HOME applications are due to the state. For further information on the HOME program the City should contact Chris Webb-Curtis of this Department at (916) 327-3586.

We hope our comments are helpful to the County. If you have any questions about our comments or would like assistance in the revision of your housing element, please contact Robert Maus of our staff at (916) 327-2640.

In accordance with their requests pursuant to the Public Records Act, we are forwarding a copy of this letter to the individuals listed below.

Sincerely,



Thomas B. Cook
Deputy Director

Enclosures